HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP
GREGORY S. MARKOW (SBN 216748)
600 West Broadway, Eighth Floor
San Diego, California 92101
Tel: 619.239.3444
Fax: 619.232.6828
Email: gmarkow@hsrgb.com

COMPETITION LAW GROUP LLC
GREG SMITH
55 West Monroe, Suite 1930
Chicago, Illinois 60603
Tel: 312.629.1918
Fax: 312.629.1988
Email: g.smith@competelaw.com

Attorneys for Plaintiff and Counterdefendant DataQuill Limited

ADDITIONAL COUNSEL LISTED ON FOLLOWING PAGE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

DATAQUILL LIMITED, Plaintiff, v. HIGH TECH COMPUTER CORP., Defendant.	Case No. 08CV543-IEG **JOINT CLAIM CONSTRUCTION CHART** **DEMAND FOR JURY TRIAL** Complaint filed: March 24, 2008
HTC CORPORATION, Counterclaimant, v. DATAQUILL LIMITED, Counterdefendant.	Judge: Hon. Irma E. Gonzalez Magistrate Judge: Hon. Bernard G. Skomal Trial Date: Not Set

ADDITIONAL COUNSEL OF RECORD

WILSON TURNER & KOSMO LLP
FREDERICK W. KOSMO, JR. (138036)
550 West C Street, Suite 1050
San Diego, California 92101
Tel: 619.236.9600
Fax: 619.236.9669
E-mail: fkosmo@wilsonturnerkosmo.com
E-mail: tstevenson@wilsonturnerkosmo.com

HOWREY LLP
PETER J. CHASSMAN *(admitted pro hac vice)*
GREGORY A. DUFFEY *(admitted pro hac vice)*
1111 Louisiana, 25th Floor
Houston, Texas 77002
Tel: 713.787.1400
Fax: 713.787.1440
E-mail: chassmanp@howrey.com
E-mail: duffeyg@howrey.com

Attorneys for Defendant and Counterclaimant
HTC Corporation

Pursuant to the Case Management Conference Order [docket #48] and Patent L.R. 4.2, Plaintiff DataQuill Limited and Defendant HTC Corporation (collectively "the Parties") hereby submit their Joint Claim Construction Chart regarding claim construction of U.S. Patent Nos. 6,058,304 and 7,139,591.

Dated: October 19, 2010	Respectfully submitted,
COMPETITION LAW GROUP LLC By: /s/ Greg Smith GREG SMITH 55 West Monroe, Suite 1930 Chicago, Illinois 60603 Tel: 312.629.1918 Fax: 312.629.1988 Email: g.smith@competelaw.com **HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP** GREGORY S. MARKOW 600 West Broadway, Eighth Floor San Diego, California 92101 Tel: 619.239.3444 Fax: 619.232.6828 *Attorneys for Plaintiff and Counterdefendant DATAQUILL LTD.*	**WILSON TURNER & KOSMO LLP** By: /s/ Frederick W. Kosmo, Jr. FREDERICK W. KOSMO, JR. THERESA OSTERMAN STEVENSON 550 West C Street, Suite 1050 San Diego, California 92101 Tel: 619.236.9600 Fax: 619.236.9669 E-mail: fkosmo@wilsonturnerkosmo.com **HOWREY LLP** PETER J. CHASSMAN *(admitted pro hac vice)* GREGORY A. DUFFEY *(admitted pro hac vice)* 1111 Louisiana, 25th Floor Houston, Texas 77002 Telephone: 713.787.1400 Facsimile: 713.787.1440 E-mail: chassmanp@howrey.com E-mail: duffeyg@howrey.com *Attorneys for Defendant and Counterclaimant HTC CORPORATION*

U.S. Patent 6,058,304

Notes:
1) To the extent that a claim term appears in more than one claim, the proposed interpretation is intended to apply to each instance of the same use of the term unless otherwise noted.

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
62. A data entry device for use in a data entry system, said data entry device comprising:		
a **reading sensor** responsive to commands and/or sensed commands and data to produce input signals;	**reading sensor:** a structure capable of detecting a stimulus, visually, magnetically, or by locational movement of the structure across a surface, and that transmits a resulting signal for use by a controller to determine the data or commands represented by the stimulus. **Intrinsic Evidence:** '304 patent, 3:28-31 ("By arranging that the reading sensor can be used for the input of commands for controlling the hand held unit, the number of user input means (e.g., keys) can be kept to a minimum, reducing the possibility of inadvertent operation."). '304 patent, 3:56-65 ("The hand held data entry unit may comprise a reading head including a reading sensor for producing input signals, wherein the reading sensor traces movements of the reading head and wherein the controller is responsive to signals from the sensor representative of the movements for identifying characters traced by the reading head as captured date. In this manner data entry can be made in an advantageous manner by tracing out the characters of the data to be input or characters representing commands for controlling the operations of the data entry system.").	**a reading sensor:** a structure capable of detecting and reporting data; Alternatively: a sensor capable of detecting and reporting commands or data. **Patent Specification:** '304 Patent and Reexam. Certificate claims, Claim 9 ("a touch sensitive screen forming a said reading sensor"); claims 40, 62 ("wherein said display screen comprises a touch sensitive screen forming said reading sensor, said controller being arranged to be responsive to a location at which said screen is touched for user input"); claim 42, 82, 83, 84 ("wherein a said reading sensor is for reading coded data … wherein said coded data comprises bar codes and/or binary dot codes and said sensor is a bar code and/or dot code reader"); claim 76 ("a said reading sensor is a roller ball responsive to movement caused by a user"); claim 77 ("a said reading sensor is a bar code reader device or other optical code reader device"); claim 80 ("said reading sensor is for reading coded data such as fingerprints or signatures or written text"); claim 81 ("wherein a said reading sensor is for reading coded data … wherein said coded data comprises fingerprints, or signatures, or written text"); claims 91, 92, 93 ("wherein said reading sensor is remote from or releasably attached to said data entry device"); claim 112 ("wherein said reading sensor is

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	'304 patent, 4:41-56 ("In a preferred embodiment of the invention, the hand held unit is configured as an elongate unit such that it may be held by a user in the manner of a pen or quill with the reading sensor being located in a reading head at or adjacent to one end of the hand held unit. … Preferably the reading sensor is located in a reading head which is releasably attached to the hand held unit. This enables alternative types of reading head to be connected to the hand held unit and/or for faulty reading heads to be replaced easily.").	loaded in a reading head which is releasably attached to said hand holdable unit"); claim 118 ("wherein said reading sensor is located in a reading head which is releasably attached to said hand holdable unit"); claim 12 ("a said reading sensor is a motion detector or a scanning device"); claim 13 ("said scanning device is a camera"); claim 44 ("a said reading sensor is a motion detector or a scanning device"); claim 45 ("said scanning device is a camera"); claim 46 ("said reading sensor comprises a camera");claims 61, 62 ("wherein said display screen comprises a touch sensitive screen forming said reading sensor, said controller being arranged to be responsive to a location at which said screen is touched for user input"). See also '304 Patent and '304 Reexam. Certificate claims, e.g., 1, 2, 3, 62, 80, 81, 82, 83 (e.g., limitations/claim language directed to: "a reading sensor responsive to commands and/or sensed commands and data to produce input signals;") e.g., 26, 78, 107 (e.g., limitations/claim language directed to: "*a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data"); ("rewritable storage programmable with information relating to a plurality of items, user selectable by means of said reading sensor"*). See also '591 Patent and '591 Reexam. Certificate claim 62 (e.g., limitations/claim language directed to: *a reading sensor operable for sensing commands and/or data").*
	'304 patent, 6:39-42 ("A reading head 14, for example a red or infra-red optical reading head (e.g., a laser diode) suitable for reading bar codes is located at one end of the pen.").	Abstract ("a reading sensor for sensing commands and/or data"); col. 2:13-21 ("a reading sensor for sensing commands and/or data and for producing input signals in response to the sensed commands and/or data"); 2:30-44 ("sensor"); 3:27-31 ("the reading sensor can be used for the input of commands for controlling the hand held unit"); 3:47-65 ("Preferably, the hand held unit
	'304 patent, 6:65-67 ("[T]he pen is held at an angle suitable for reading a bar code."); *see also* '304 patent, 9:66-10:61 (describing generally the process of using	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	the pen for reading a barcode). '304 patent, 13:36-48 ("Although in the above embodiments, the pens 10 are intended for manual scanning of bar codes, it will be appreciated that they could also be used for reading other optically readable codes, such as binary dot codes, b providing of appropriate control software for programming the processor 74. Alternatively, in place of the sensor head 14 which is intended to be manually scanned, a self-scanning head could be provided. The invention is also applicable to the reading of other coded data sources such as, for example, magnetic strips, graphical representations and/or alphanumeric characters, by the provision of appropriate reading head and control logic."). '304 patent, 13:51-64 ("For example, the data entry pen could be provided with a reading head which is responsive to movement of the pen for tracing out desired codes and or commands. In particular, by the provision of a rolling ball in a holder in the reading head, of rotating sensing means in the manner of a personal computer mouse for tracing movements of the ball and suitable interpretation logic in software or special purpose hardware, for defining a series of vectors as the pen is moved over a surface and for performing pattern recognition on the resulting vector patterns to identify control and/or alphanumeric characters traced out by the pen head, it is possible directly to input information in the pen by 'writing' down those characters."). '304 patent, 17:52-58 ("Indeed, in other embodiments of the invention full character recognition (OCR)	comprises a sensor for reading coded data"; "invention finds particular, but not exclusive application to the reading of bar codes and/or binary dot codes, whereby the sensor is a bar code and/or dot code reader"; "It will be appreciated that the invention also applies to other forms of codes"; "a reading head including a reading sensor for producing input signals, wherein the reading sensor traces movements of the reading head"; "signals from the sensor representative of the movements … traced by the reading head"); 4:20-45 ("preferred embodiment … hand held unit is configured as an elongate unit … with the reading sensor being located in a reading head at or adjacent to one end of the hand held unit"); 4:53-54 ("Preferably the reading sensor is located in a reading head which is releasably attached to the hand held unit"); 5:36-35-36 ("As an alternative to the use of bar codes, other data representations could be used."); 5:57-58 ("Exemplary embodiments of the invention will be described hereinafter, by way of example only"; "a reading sensor in the form of a camera or other scanning sensor"); 6:28-32, 39-42 ("one embodiment": "A reading head 14, for example a red or infra-red optical reading head (e.g., a laser diode) suitable for reading bar codes is located at one end of the pen. Other types of reading head may be provided"); 8:59-63 ("in the present embodiment, signals relating to data captured by the reader head 14 are passed directly to the processor 74 to be processed"); 9:60-10:25 ("the operation of reading a bar code is performed by the processor"; "signals representing changing levels of reflected illuminations are supplied [by the sensor] to the processor"); 11:13-59 (command input by scanning "'Enter' command bar code on the command sheet of FIG. 6"; "scanning … the command bar codes 'Enter', 'Clear', 'Quantity', etc."; "scanning the command bar

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	could be employed where the reading sensor is in the form of a camera or other scanning sensor incorporated in the reading head. With a camera and appropriate recognition logic, the pen could be used, for example, for fingerprint recognition, either as an aim in itself, or for user validation purposes."). '304 patent, Figures 1, 2, 3, 6, 7, 8, and 9. '304 patent, 12:65-13:2 ("FIG. 8 illustrates another example of a pen 10 in accordance with the invention. This example is substantially the same as the pen 10 described with reference to FIGS. 1 and 3, apart from the addition of a touch sensitive screen 90 for the display 20."). '304 patent, Figure 8 (showing reading head 14 as well as touch screen 90 for display 20). '304 patent, 4:20-26 ("The controller in the hand held unit is preferably arranged to respond to appropriate commands input, for example via the reading sensor, to issue coded instructions via the telecommunications interface to the data processing center and to receive programming data (e.g., relating to information for selectable items) from the programming center for storage in the hand held unit."). '304 patent, 3:47-51; 3:56-61; 9:14-20; Figures 3, 4, 8; 9:65-10: 22 *See also* claims as originally filed September 27, 1994 in application PCT/GB94/02101, in file history of application 08/619,682 (which became the '304 patent) HTCDQ000138-142), at 30 (claim 13 ("wherein the display comprises a touch sensitive	code 'Phone'"); 12:12-57 ("alternative embodiment": "All other command functions are input by reading appropriate command codes from a command sheet"; "The software stored in the pen also permits the loading of data from the processing centre or another remote computer. The programming is performed using a series of commands preceded by dot codes. The programming commands are thus known as 'dot' commands and cover operations such as RAM PEEK, RAM POKE, ROM PEEK, DISPLAY, SENSE, GET INFO, GET FIRST ITEM, GET NEXT ITEM, GET PREVIOUS ITEM, AMEND ITEM, DELETE ITEM, CLEAR ORDER, CLEAR CATALOGUE, ADD CATALOGUE ITEM, and AMEND CATALOGUE ITEM"; "processing centre can also send commands to a handheld unit"); 12:65-13:21 ("touch sensitive screen"; "data sensed by the touch sensitive screen can be communicated to the processor"; "One or more touch sensitive areas can be defined on the touch sensitive screen area, in combination with the data displayed on the display screen, for the entry of commands and/or the selection of displayed items."; "A touch screen interface 88 couples the touch sensitive screen to the bus 84 so that data sensed by the touch sensitive screen can be communicated to the processor 74. Although FIG. 8 shows a touch sensitive screen 90 (e.g., an overlay) separate from a conventional display screen, any applicable touch sensitive screen technology can be used…. One or more touch sensitive areas can be defined on the touch sensitive screen area, in combination with the data displayed on the display screen, for the entry of commands and/or the selection of displayed items. In particular, the processor 74 can be arranged to display a menu of user selectable items and to be responsive to a location at which the screen is

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	screen"); *see also* claims of April 2, 1996 preliminary amendment (HTCDQ000172-180) at application claims 40 and 61 respectively ("wherein said display comprises a touch sensitive screen"); May 28, 1998 Office Action (HTCDQ000621-633) at 7, rejecting claims 40 and 61. November 27, 1998 Response to Office Action (HTCDQ000639-660) in application 08/619,682 at 4 and 14, claims 95 and 129 respectively (amending claim to state "wherein said display screen comprises a touch sensitive screen forming a said reading sensor"). Supplemental Amendment, December 5, 1998 in Response to Office Action (HTCDQ000661-681) in application 08/619,682 at 4 and 14, discussing application claim 95 (issued claim 9) and application claim 131 (issued claim 40) respectively (amending claim to state "wherein said display screen comprises a touch sensitive screen forming a said reading sensor"). March 19, 1999 Office Action, HTCDQ000706-729 (objecting to claim 95 and rejecting claim 131 (*inter alia*). August 16, 1999 Amendment (HTCDQ000735-749) in response to March 19, 1999 office action at 7 (application claim 131, issued as claim 40), and at 11 (adding application claims 150 and 151, issued claims 61 and 62 respectively, to include the limitations of "wherein the display screen comprises a touch sensitive screen forming said reading sensor.").	touched for input of a user selection of a menu item."; "Touch screen entry can be used in place of or in addition to the entry of commands by scanning the bar codes on the command bar code card."); 13:22-35 (discussing Fig. 9 embodiment: "It will be appreciated that the pen 10 could also be provided with the touch screen facility of the pen 10 of FIG. 8"); 13:36-41 (hand held unit "could also be used for reading other optically readable codes"); 13:44-48 (invention can be used for "the reading of other coded data sources such as, for example, magnetic strips, graphical representations and/or alphanumeric characters"); 13:52-64 ("a reading head which is responsive to movement of the pen for tracing out desired codes and or commands"; "a rolling ball in a holder in the reading head"; "rotation sensing means in the manner of a personal computer mouse for tracing movements of the ball"); 17:48-58 ("reading sensor … in the form of a camera or other scanning sensor"). **Extrinsic Evidence:** MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY (10th Ed. 1993): **Sensor**: "a device that responds to a physical stimulus (as heat, light, sound, pressure, magnetism, or a particular motion) and transmits a resulting impulse (as for measurement or operating a control)." **Other Authority:** *RIM v. DataQuill Ltd.*, 08/14/08 Order Construing Claim Terms of '304 and '591 Patents (No. 3:06-CV-0973-N, N.D. Tex. 2008); *DataQuill Ltd. v. Kyocera Wireless Corp.*, 10/25/05 Superseding Claim Interpretation Order For United States Patent Number 6,058,304 (No. 01CV2302B, S.D.

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	'304 patent, 3:47-54 ("Preferably, the hand held unit comprises a sensor for reading coded date, the controller being arranged to access the stored information for selectable items to determine natural language characters or images corresponding to the coded data for display. The invention finds particular, but not exclusive application to the reading of bar codes and/or binary dot codes, whereby the sensor is a bar code and/or dot code reader."). U.S. Patent No. 7,139,591C1 (in reexamination certificate) claim 62 (including limitations for "a reading sensor operable for sensing commands and/or data" and "a sensor operable to sense and capture data wherein said sensor is a camera"); claim 61 (including, instead of a reading sensor, a "sensor operable for sensing user commands or data," claim 47 ("sensor operable for sensing user commands or data"); claim 3 ("a sensor operable to sense and capture data wherein said sensor is a camera"); claim 1 ("a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data"). November 27, 2006 Request for Reexamination of '304 patent with exhibits A-AA (HTCDQ0161-17780) and January 25, 2007 Request for Reexamination of '304 patent (HTCDQ017787-17874) at exhibit J (Martinez [U.S. Patent No. 5,334,824, HTCDQ016316-324) and S (Martinez and other	Cal. 2005); 10/25/05 Order Granting In Part Defendant's Motion For Partial Reconsideration of the Markman Ruling Construing The Claim Term "Reading Sensor" (No. 01CV2302B, S.D. Cal. 2005). *DataQuill Ltd. v. Handspring, Inc.*, 2003 U.S. Dist. Lexis 2981 (N.D. Ill. 2003).[1] **As rebuttal to HTC's use of prosecution history, DataQuill may rely on the following parts of the prosecution record:** Prosecution record cited by HTC. Jan. 25, 2007 Request for Ex Parte Reexamination (of U.S. 6,058,304), e.g., pp. 10-14. Feb. 2, 2007, Request for Ex Parte Reexamination (of U.S. 7,139,591), e.g., pp. 20-24. Aug. 7, 2007 Supp. Information Discl. Statement in file no. 90/008,340.; Aug. 7, 2007 Supp. Information Discl. Statement in file no. 90/008,394.; Oct. 3, 2007 Supp. Information Discl. Statement in file no. 90/008,340.; Oct. 3, 2007 Supp. Information Discl. Statement in file no. 90/008,394. April 1, 2008 First Office Action in '304 patent re-exam., file no. 90/008,340. June 19, 2008 Patentee Written Statement of Interview in file no. 90/008,394. June 2, 2008 Patentee Response to Office Action in '304 Patent Reexam., file no. 90/008,340.

[1] HTC contends that decisions, including claim construction decisions, in other cases in which HTC was not a party are not binding on HTC in this case (see Order Granting Motion to Stay the Proceedings Pending Patent Reexamination [docket #29] at 4 stating HTC is entitled to its own discovery and claims construction proceeding) and should not be included in this Joint Claim Chart. DataQuill disagrees with HTC's position, and states that such district court rulings, while not binding, may properly be considered by this Court and are properly cited in this Joint Claim Chart.

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	references) (HTCDQ017753-17780). April 13, 2007 Order Granting Reexamination Request (HTCDQ017968-18019) at 15-17 (discussing Martinez). April 1, 2008 Office Action in reexamination of '304 patent (HTCDQ033521-33556) at 21-26 (adopting exhibit S to reject pending claims). June 2, 2008 Response to Office Action (HTCDQ033626-33793) in reexamination of '304 patent, at 78 ("It is respectfully submitted that Martinez does not disclose the limitations of element 1.1 [a reading sensor responsive to *commands* and/or *sensed commands* and data to produce input signals"]. Element 1.1 requires that a 'reading sensor' must be 'responsive to *commands* and/or *sensed commands* … to produce input signals.' *Martinez* does not disclose a camera that is responsive to *commands* or to *sensed commands*. Instead, at the cited passage, *Martinez* discloses a video camera 'to view the user or a customer, and to generate a video signal.' (*Martinez* Col. 5:49-6:2.). For at least the above reasons, Martinez does not anticipate independent Claims 1-3 and their dependent claims.") (emphasis in original). June 2, 2008 Response to Office Action at (HTCDQ033626-33793) in reexamination of '304 patent, at 86-87 ("In any event, it is apparent why Requester did not cite any support for its assertion. Martinez does not provide such disclosure. For instance, adopted Exhibit S, relies upon Martinez's camera to meet the 'reading sensor' requirement of prior Elements 26.1, 27,1, 28.1, 29.1 and 30.1. The	July 28, 2008 Patentee's Supplemental Response to First Office Action in file no. 90/008,340, and no. 90/008,394. Declaration of Donnelly, Exhibit C. April 13, 2009 Patentee's Comments on Reasons for Patentability, in file no. 90/008,394. Oct. 26, 2009 Patentee's Second Response to Second Office Action and Response to Advisory Action, in file no. 90/008,340, pg. 63, 67. Dec. 15, 2009 Patentee's Comments on Reasons for Patentability and/or Confirmation, in file no. 90/008,340: **Other rebuttal evidence:** April 28, 2005 Joint Claim Construction Chart for U.S. Patent No. 6,058,304, *DataQuill Ltd. v. Kyocera Wireless Corp.*, No. 01 CV2302B (BLM) (S.D. Cal.), e.g., pp. 1, 1-2, 29-31. October 2, 2007 Joint Claim Construction Chart (U.S. patent no. 6,058,304 and 7,139,591), *Rim v. DataQuill Ltd.*, No. 06 CV0973 (N.D. Tex.), e.g., pp. 1, 2, 73.

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	Martinez's camera, however, is only used to send an image of a customer 'to a remote television screen' (Col. 6/ll. 50-52) as way to verify that person's identity. *Martinez*, of course, has no disclosure or teaching at all of using its camera to select form a plurality of items that have information programmed into storage, as required by elements 26.2 and 29.2 [rewritable storage programmable with information relating to a plurality of items, user selectable by means of said reading sensor]. A reading sensor of *Martinez* must meet this limitation in these Elements and *Martinez* camera certainly does not.") (emphasis in original). June 25, 2009 Office Action in reexamination of '304 patent (HTCDQ047787-47822) at 22 ("Patent owner argues on page 78 that Martinez fails to teach a reading sensor 'responsive' to commands and/or sensed commands. Instead, it is argued, Martinez teaches a convention video camera 'to view the user or a customer, and to generate a video signal.' The remaining independent claims rejected under Martinez, specifically claims 26-30, similarly recite a reading sensor responsive to sensed command. See pages 86-88 of the Amendment. The patent owner's arguments above have been duly considered and are deemed persuasive. Although the claim language could broadly read upon Martinez (e.g., reading a video camera as the reading sensor responsive to commands), such an interpretation would not be reasonable consistent with the specification of the patent under reexamination. Thus, Martinez appears unsuitable as both an anticipatory reference and as a base reference in an obviousness inquiry. Thus, all rejections based upon Martinez are withdrawn and not	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	repeated in the present Office action."). As to DataQuill's citations to the prosecution history, HTC may rely on the following parts of the prosecution record: Prosecution record cited by DataQuill. **Extrinsic Evidence:** MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY (10th Ed. 1993): **Sensor**: "a device that responds to a physical stimulus (as heat, light, sound, pressure, magnetism, or a particular motion) and transmits a resulting impulse (as for measurement or operating a control)." U.S. Patent No. 5,334,824 (Martinez), HTCDQ016316-324. at Abstract, 5:44-6:2.	
a controller coupled to said reading sensor to receive and **process said input signals**;	**process said input signals:** perform operations on the input signals, including, but not limited to determining the content represented by the stimulus detected by the reading sensor **Intrinsic Evidence:** '304 patent, 9:65-10: 22 ("At this point it should be explained that the operation of reading a bar code is performed by processor 74 in a conventional manner. Thus, where the head 14 comprises a red or infra-red light source and a light sensor, signals representing changing levels of reflected illuminations are supplied to the processor 74. Firmware stored in the ROM 76, or in other embodiments possibly hard-wired in the processor 74, is used to then decode the changing	**process said input signals:** As an initial and preliminary response, subject to modification, DataQuill states that this term means what it says and no elaboration is needed. DataQuill is analyzing HTC's proposed construction of this term and cited support for the proposed construction, and reserves all rights. **Note:** HTC first identified this as a term for which it would seek judicial construction, and first transmitted its proposed construction and support for this term to DataQuill, on October 19, 2010, at approximately 6:00 p.m. CST. Up until that time HTC had not identified this as a term for which it would seek judicial construction. DataQuill has not had a reasonable opportunity to analyze and respond to this new proposed construction and support, and accordingly reserves all rights.

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	levels of reflected illumination to generate a numerical value. ..A look up table containing the numerical values for individual commands (not shown) is configured in the ROM 76 and/or RAM 78. By accessing this table, input commands can be identified. …"). '304 patent, 3:56-61 ("The hand held data entry unit may comprise a reading head including a reading sensor for producing input signals, wherein the reading sensor traces movements o f the reading head and wherein the controller is responsive to signals from the sensor representative of the movements for identifying characters traced by the reading head as captured data. In this manner data entry can be made in an advantageous manner by tracing out the characters of the data to be input or characters representing commands for controlling the operation of the data entry system.") '304 patent, 4:20-26 ("The controller in the hand held unit is preferably arranged to respond to appropriate commands input, for example via the reading sensor, to issue coded instructions via the telecommunications interface to the data processing center and to receive programming data (e.g., relating to information for selectable items) from the programming center for storage in the hand held unit."). '304 patent, 9:14-20 ("The processor is programmed by means of control programs and data stored in the ROM 76 and, in use, in the RAM 78, to receive signals from the reading head 14, to interpret those signals and to derive data therefrom which are displayed on the display 20 and stored in the RAM 78 for subsequent transmission via the optical interface as will be described in more detail below."); 	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	'304 patent, Figures 3, 4, 8. '304 patent, 10:23-61 (describing description information corresponding to bar code values). '304 patent, 3:47-51 ("Preferably, the hand held unit comprises a sensor for reading coded data, the controller being arranged to access the stored information for selectable items to determine natural language characters or images corresponding to the coded data for display."). '304 patent, claim 42. **Extrinsic Evidence:** IEEE Standard Dictionary of Electrical and Electronics Terms, 1984, at 228 ("Data processing: Pertaining to any operation or combination of operations on data."). McGraw-Hill Dictionary of Scientific and Technical Terms, 5th Ed., 1994, at 519 ("Data Processing: Any operation or combination of operations on data, including everything that happens to data from the time they are observed or collected to the time they are destroyed."	
said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and		
a display coupled to said controller to display		

U.S. Patent 6,058,304

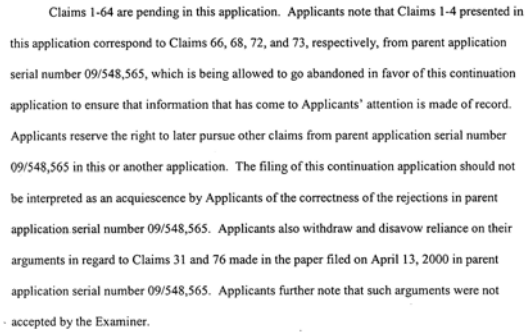
6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
commands and/or information under control of said input signals processed by said controller;		
wherein said reading sensor, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network and said data entry device is integral with a cellular telephone; and		
wherein said display screen comprises a touch sensitive screen forming said reading sensor, said controller being arranged to be responsive to a location at which said screen is touched for user input; *said data entry device comprising additional limitations wherein:*		
said data entry device with integral cellular telephone together are a hand held device permitting use as a telephone handset, said hand held device additionally comprising:		
rewritable storage made of solid state memory;		
a rechargeable power supply, and		
a plurality of mechanical key switches operable for use to select information retained by said solid state memory; wherein further:		
(a) said display is operable to display a selected user understandable language of a number of languages to assist a user in operating said hand held device, wherein a user is able to select a said language and said number of languages includes at least English and one language other than English; and		
(b) by utilizing said network interface and at least a said cellular telephone network said hand held device is operable:		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
*(i) **to download** from a remote processing center description information corresponding to each of a plurality of user selectable items for storage, and further wherein said description information is maintainable in storage by utilizing said solid state memory for later user access without requiring transmission of any description information to said hand held device,*	**to download:** to transfer from one place to another. **Intrinsic Evidence:** '304 patent, FIG. 6. '304 patent, 11:55-12:4 ("In the example shown in FIG. 6, however after entering the desired items, a phone number is then entered in step S6 by scanning the command bar code 'Phone' followed by the number of the processing center 108 to be called. As an alternative to entering separately the telephone number, this could be pre-stored in memory, or could alternatively be included in the 'phone' bar code. After this, in step S7 the pen is placed in the cradle on the base unit and the 'Down' key switch 22 is pressed to download the data from the pen. This causes the data for the telephone number to be downloaded to the modem 100 via the optical link 106. The downloading of the telephone number causes the base unit automatically to call the desired number and, once the normal modem handshaking is completed, to transfer the data stored in the RAM 78 in the pen 10."). '304 patent, 5:44-47 ("As an example of a possible mode of operation, a command character (e.g., a bar code) can be read using the reading head (e.g., a bar code reading head) and this can be used to load down remote data from a remote station." '304 patent (original), claims 1-3 ("to cause downloading of information form a remote processing center as required for updating information previously stored in said data entry device"). '304 patent, reexamined claims, e.g., claims 62, 64,	**to download:** to transfer from one place to storage at another. **Intrinsic Evidence:** '304 Patent, and '304 Reexam. Certificate, Claims 59, 62, 64, 69, 78-106, 110, 113, 116. Abstract ("telecommunication interface for the telephonic transmission of information relating to a selected item or items from the storage to a remote processing center and for the telephonic information relating to selectable items from the remote processing center to the storage"). '304 patent cCol. 2:13-29; 2:51-61; 4:20-26; 10:35-61; 11:63-12:18; 12:35-50; 15:31-37; 16:64-17:7. '591 Patent Claims 19, 50, 51, 52. **Extrinsic Evidence:** merriam-webster.com: **Download (vt):** to transfer (as data or files) from a usually large COMPUTER to the memory of another device (as a smaller computer) Examples of DOWNLOAD -- He downloaded the FILES onto his computer. -- She downloads songs from the INTERNET. -- The new program makes downloading faster. MERRIAM WEBSTER'S COLLEGIATE DICTIONARY (10th Ed. 1993): to transfer (data) from a usu. Large computer to the memory of another device (as a smaller computer) AMERICAN HERITAGE DICTIONARY (3rd Ed. 1992) **Storage**: "The part of a computer that stores information for subsequent use or retrieval." MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY (10th Ed. 1993): **To store**: "to place or leave in a location (as a warehouse, library, or computer memory) for

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	80, 81, 82, 83, 85, 86, 94, 95, 97, 98, 100, 101, 103, 104, 107, 113, and 59. As rebuttal, HTC may also rely on the passages cited by DataQuill.	preservation or later use or disposal." **Other Authority:** *RIM v. DataQuill Ltd.*, 08/14/08 Order Construing Claim Terms of '304 and '591 Patents (No. 3:06-CV-0973-N, N.D. Tex. 2008); *DataQuill Ltd. v. Kyocera Wireless Corp.*, 10/25/05 Superseding Claim Interpretation Order (No. 01CV2302B, S.D. Cal. 2005); *DataQuill Ltd. v. Handspring, Inc.*, 2003 U.S. Dist. Lexis 2981 (N.D. Ill. 2003)
*(ii) wherein said **downloading** is in response to one or more coded instructions transmitted to a remote processing center via said network interface, transmitted in response to one or more user command inputs, and wherein* *(iii) subsequent to said downloading of at least said description information, said display is operable to display a list of user selectable items of said plurality of user selectable items, and in response to user selection of an item of said list, to display description information retrieved from said storage corresponding to said selected item without requiring transmission of any description information to said hand held device, wherein items of said list are selectable individually from said display by user input; and wherein*	**downloading:** transferring from one place to another **Intrinsic Evidence:** See support for claim term "to download" above.	**downloading:** transferring from one place to storage at another. **Support:** See support for claim term **"to download"** above.
*(c) said controller is responsive to a command to cause **downloading** of information from a remote processing center, **wherein said***	***wherein said downloading of information … is to bring description information in storage…up to date***: such that only the information that has changed from	***wherein said downloading of information: is to bring description information in storage corresponding to an***

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
downloading of information: is to bring description information in storage corresponding to an individual user selectable item of said plurality of user selectable items up to date for a user*; and is also maintainable in storage by utilizing said solid state memory for later user access without requiring transmission of any description information to said hand held device; and* ***wherein, a said command to cause downloading is a command to bring information up to date for an individual user selectable item of a plurality of user selectable items****;*	the most recent download of information is downloaded to make the information in storage current **Intrinsic Evidence:** '304 patent, 10:57-61 ("If the code read is not recognized, for example, the pen can be programmed automatically to call up the remote processing center to check on whether an update of the pen's storage is needed when the pen is replaced in the base unit."). '304 patent, 16:64-17:7 ("In the preferred embodiments described above, catalogue data is down-loaded into the pen from a remote processing system by telephone, over the telecommunications interface. However, as an alternative to down-loading, for example a complete catalogue, via the telephone line, other data entry means could be provided for the bulk of the data, the telephone line then only being used of updating the stored data. For example the pen and/or the base unit as appropriate could be provided with a socket or connector or reader for a memory device (such as a plug-in ROM, a smart card, etc.)."). '304 patent, 10:49-61 ("However, through the use of rewritable memory and control logic enabling the memory to be updated using data downloaded from the remote processing center, it is possible to keep the pen's memory up to date on a full list of merchandisable items, including product description, availability, price, etc. Then on reading a bar code relating to an item stored in memory the display on the pen can indicate a description of the item corresponding to the code read, its availability and	***individual user selectable item of said plurality of user selectable items up to date for a user*****:** means what it says and no elaboration is needed ***wherein, a said command to cause downloading is a command to bring information up to date for an individual user selectable item of a plurality of user selectable items*****:** means what it says and no elaboration is needed **Intrinsic Evidence:** '304 Patent and Reexam. Certificate, claim 62 (e.g., limitations/claim language directed to: "(c) said controller is responsive to a command to cause downloading of information from a remote processing center, wherein said downloading of information: is to bring description information in storage corresponding to an individual user selectable item of said plurality of user selectable items up to date for a user; …and wherein, a said command to cause downloading is a command to bring information up to date for an individual user selectable item of a plurality of user selectable items"); Claims 64, 80-107, 110. '591 Patent and Reexam. Certificate Claims 3, 19. '304 Patent, Col. 10:35-61; 16:64-17:7. **Extrinsic Evidence:** MERRIAM-WEBSTER.com: **Update:** to bring up to date Examples of UPDATE I need to update my address book. update all the population figures

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	price. If the code read is not recognized, for example, the pen can be programmed automatically to call up the remote processing center to check on whether an update of the pen's storage is needed when the pen is replaced in the base unit."). '304 patent, 5:44-47 ("As an example of a possible mode of operation, a command character (e.g., a bar code) can be read using the reading head (e.g., a bar code reading head) and this can be used to load down remote data from a remote station."). '304 patent (original), claims 1-3 ("to cause downloading of information form a remote processing center as required for updating information previously stored in said data entry device"). Office Action Dated May 28, 1998 in application 08/619,682 leading to the '304 patent (rejecting certain claims, and objecting to the remaining claims) (HTCDQ000621-633). Response to Office Action in application 08/619,682 leading to the '304 patent dated December 5, 1998 (including amended claims to overcome rejections in May 28, 1998 Office Action) entitled "Supplemental Amendment under 37 C.F.R. 111") (HTCDQ000661-681). March 19, 1999 Office Action in application 08/619,682 leading to the '304 patent (rejecting claims) (HTCDQ000706-729). August 16, 1999 Response to Office Action/Amendment (HTCDQ000735-749) in	She wants to update her wardrobe. **To update**: "to bring up to date." MERRIAM WEBSTER'S COLLEGIATE DICTIONARY (10th Ed. 1993): **To update**: "to bring up to date." **Other Authority:** *RIM v. DataQuill Ltd.*, 08/14/08 Order Construing Claim Terms of '304 and '591 Patents (No. 3:06-CV-0973-N, N.D. Tex. 2008); *DataQuill Ltd. v. Kyocera Wireless Corp.*, 10/25/05 Superseding Claim Interpretation Order (No. 01CV2302B, S.D. Cal. 2005); *DataQuill Ltd. v. Handspring, Inc.*, 2003 U.S. Dist. Lexis 2981 (N.D. Ill. 2003) **As rebuttal to HTC's use of prosecution history, DataQuill may also rely on the following parts of the prosecution record:** Office Action Dated May 28, 1998 in application no. 08/619,682 (cited by HTC). Response to Office Action in no. 08/619,682 leading to the '304 patent dated December 5, 1998 (cited by HTC). March 19, 1999 Office Action in application no. 08/619,682 (cited by HTC).

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	application 08/619,682 leading to the '304 patent (in which Applicants amended application claims 86 [issued claim 1 of the original '304 patent] and 87 [issued claim 2 of the original '304 patent] to add the further limitation of application claim 91: "and wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device.").	August 16, 1999 Response to Office Action/Amendment in application no. 08/619,682 (cited by HTC).
	August 16, 1999 Amendment/Response to Office Action in application 08/619,682 (HTCDQ000735-749) leading to the '304 patent at 13 ("The comprehensive and thorough analysis presented by the Examiner in the outstanding Office Action are greatly appreciated and have been most helpful in addressing the issues raised in the Office Action. As a result, it is believed the amendments proposed herein will advance the application to allowance. … Claims 86 [issued claim 1 of the '304 patent], 87 [issued claim 2 of the '304 patent], and 88 have been amended to incorporate the subject matter of dependent claim 91, indicated to be allowable.").	April 13, 2000 Preliminary Amendment and Remarks in continuation application no. 09/548,565 (cited by HTC).
	Preliminary Amendment in continuation application 09/548,565 ("the '565 patent application") dated April 13, 2000, (HTCDQ052800-51824), with amendments and traverse of rejection of claims in application 08/619,682 found in May 28, 1998 Office Action therein (in which Applicants for the '565 patent application filed a preliminary amendment (HTCDQ052800-51824) on April 13, 2000, canceling claims 1-30, and adding claims 31-77 "which correspond to claims 31-	December 16, 2003 Office Action in continuation application no. 09/548,565 (cited by HTC). June 15, 2004 Amendment and Remarks in continuation application no. 09/548,565 565 (cited by HTC). June 15, 2004 Applicants Preliminary Amendment and Remarks in application no. 10/869,215 (led to '591 patent). For example:  Claims 1-64 are pending in this application. Applicants note that Claims 1-4 presented in this application correspond to Claims 66, 68, 72, and 73, respectively, from parent application serial number 09/548,565, which is being allowed to go abandoned in favor of this continuation application to ensure that information that has come to Applicants' attention is made of record. Applicants reserve the right to later pursue other claims from parent application serial number 09/548,565 in this or another application. The filing of this continuation application should not be interpreted as an acquiescence by Applicants of the correctness of the rejections in parent application serial number 09/548,565. Applicants also withdraw and disavow reliance on their arguments in regard to Claims 31 and 76 made in the paper filed on April 13, 2000 in parent application serial number 09/548,565. Applicants further note that such arguments were not accepted by the Examiner. July 15, 2004 Notice of Abandonment in continuation application no. 09/548,565. Jan. 25, 2007 Request for Ex Parte Reexamination (of U.S. 6,058,304), e.g., pp. 10-14. Feb. 2, 2007, Request for Ex Parte Reexamination (of U.S. 7,139,591), e.g., pp. 20-24.

U.S. Patent 6,058,304

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	75 entered in the parent application 08/619,682 by amendment dated April 2, 1996; claims 76 and 77 are newly added claims. Consideration of these claims is requested, taking into account the following comments responding to grounds of rejection, particularly in respect of claims 31 and 53, included in the Office Action mailed May 28, 1998 in the parent application."). April 13, 2000 Preliminary Amendment/Response to Office Action in the '565 patent application (HTCDQ052800-51824), at 16-17 ("Moreover, the updating process is not directed to a specific 'selected' item, but rather the updating occurs for the ***selectable items*** for which updating is ***required*** (which could be none, some, or all of the selectable items) in order that the appropriate current information is stored by the rewritable storage in the handheld unit for all selectable items. This means that someone using the system does not have to repeatedly revert to communication with the remote processing center to get updates for each item of information that has changed, as the input of a single update command to the hand held unit will call all information concerning ***selectable items*** that has ***changed*** to be updated. In addition, as the hand held unit only downloads information that has changed, the time taken to update the information in the rewritable storage is dramatically less than the time taken to update prior art devices where all the information stored in the device is replaced with a complete new set of information. This is particularly advantageous when the invention is embodied in a mobile phone, for example, as use of expensive airtime (for which the user typically is charged) may be reduced.")	Aug. 7, 2007 Supp. Information Discl. Statement in file no. 90/008,340.; Aug. 7, 2007 Supp. Information Discl. Statement in file no. 90/008,394.; Oct. 3, 2007 Supp. Information Discl. Statement in file no. 90/008,340.; Oct. 3, 2007 Supp. Information Discl. Statement in file no. 90/008,394. June 19, 2008 Patentee Written Statement of Interview in file no. 90/008,394. July 28, 2008 Patentee's Supplemental Response to First Office Action in file no. 90/008,340, and no. 90/008,394. Declaration of Donnelly, Exhibit C. April 13, 2009 Patentee's Comments on Reasons for Patentability, in file no. 90/008,394. Oct. 26, 2009 Patentee's Second Response to Second Office Action and Response to Advisory Action, in file no. 90/008,340, pg. 63, 67. Dec. 15, 2009 Patentee's Comments on Reasons for Patentability and/or Confirmation, in file no. 90/008,340. **Other rebuttal evidence:** April 28, 2005 Joint Claim Construction Chart for U.S. Patent No. 6,058,304, *DataQuill Ltd. v. Kyocera Wireless Corp.*, No. 01 CV2302B (BLM) (S.D. Cal.), e.g., pp. 12-13. October 2, 2007 Joint Claim Construction Chart (U.S. patent no. 6,058,304 and 7,139,591), *Rim v. DataQuill Ltd.*, No. 06 CV0973 (N.D. Tex.), e.g., pp. 2, 18-19, 69,

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	(emphasis in original). April 13, 2000 Preliminary Amendment/Response to Office Action in the '565 patent application (HTCDQ052800-51824), at 18 ("A further advantage of the present invention as set forth in claim 31, is that as **all** information relating to ***selectable items*** stored by the rewritable storage that has changed is updated when each update command is entered (irrespective of whether or not the item(s) to which the changed information relates has been **selected**), it is more likely that information for any particular ***selectable item*** will be current when that item is selected by the user based on the reading sensor sensing the appropriate data.") (emphasis in original). April 13, 2000 Preliminary Amendment/Response to Office Action in the '565 patent application (HTCDQ052800-51824),, at 20 ("In the Office Action dated 28 May 1998 in the parent application, it is alleged that Claim 31 (identical to claim 31 presented by this amendment) lacked novelty under 35 USC 102 over US Patent No. 4,850,009 (to Zook et al), … It is apparent from the above discussion that the Zook reference makes absolutely no reference whatsoever to updating information previously stored in rewritable memory of the hand held unit for selectable items, and furthermore that no reference is made to a controller of the hand held unit 'being responsive to a said command to cause downloading of information from said remote processing center as required for updating information previously stored in said rewritable storage for selectable items' as set forth in claim 31.").	82-84, 88-89, 93-94.

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	April 13, 2000 Preliminary Amendment/Response to Office Action in the '565 patent application (HTCDQ052800-51824), at 24-25 ("Claim 76 is similar to claim 31 except that the controller is "*arranged to respond to commands including said sensed commands to control said hand held unit*" and is "*responsive to a download command to cause downloading of information from said remote processing center as required for updating information previously storage in said rewritable storage for selectable items.*" … In claim 76, the controller is also operable to response to a ***download* command** to cause downloading of information from a remote processing center to the hand held unit (via the telecommunications interface) ***as required*** for updating information previously stored in rewritable storage of the hand held unit for selectable items. As recited in claim 77, the commands to which the controller is responsive may include user inputted commands. Thus, in a system according to claim 76, the sensing of data merely causes the controller "to select a said item" based on information stored by the rewritable storage of the hand held unit. The input of a ***download command*** is necessary to initiate updating, as indicated above. Otherwise, claims 76 and 77 are novel and patentable over Zook [sic] for generally similar reasons to those advanced with respect to claim 31. CONCLUSION: In view of the above comments, it is respectfully submitted that Claims 31, 53, and 76 are novel over the Zook reference which also fails tin any way to suggest the combination of features set forth in claim 31 or claim 53 or claim 76 which are therefore not rendered unpatentable over Zook. Claims 32 to 52, 54	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	to 75 and 77 add subject matter to the features of their respective parent claims 31, 53, and 76 and thus are further distinguished over Zook. Further, none of the other references relied upon by the Examiner disclose or suggest the particular combinations of features and functionality recited in any of claims 31 - 77. It is therefore believed that all of claims 31 – 77 are in condition for allowance and early notice to that effect will be appreciated.") (emphasis in original). December 16, 2003 Office Action in the '565 patent application (HTCDQ051965-51977) ("responsive to communication filed April 13, 2000, rejecting all pending claims 31-77). June 15, 2004 Amendment in the '565 application file history (HTCDQ52000-62005) at 3. June 15, 2004 Office Action in the '565 application file history (HTCDQ052006-52007), at 3 ("This application is abandoned in view of: Applicant's failure to file a proper reply to the Office letter mailed on 16 November 2003. A reply was received on 15 June 2004 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection."). It is noted that the above passages shall be referred hereinafter as "intrinsic evidence for the 'updating' limitation". As rebuttal to DataQuill's use of prosecution history, HTC may also rely on the passages cited by DataQuill. **for a user**: ordinary meaning; no construction	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	required. _____ ***wherein, a said command to cause downloading is a command to bring information up to date for an individual user selectable item of a plurality of user selectable items****:* such that the command to cause downloading is a command that causes only the information that has changed from the most recent download of information to be downloaded to bring the description information concerning an individual user selectable item in storage current **Intrinsic Evidence:** *See* intrinsic evidence for the "updating" limitation in claim 62 immediately above.	
(d) said hand held device is operable for a user to place orders for merchandisable items via a remote processing center and via user selections from said display, wherein, *(i) by utilizing said network interface and at least a said cellular telephone network said hand held device is operable:* ***to download*** *from a remote processing center at least description information for each of a plurality of user selectable merchandisable items for storage, wherein said description information is maintainable in storage by utilizing said solid state memory for later user access without requiring transmission of any description information to said hand held device,*	See claim 62.	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
(ii) said downloading is in response to one or more coded instructions transmitted to a remote processing center via said network interface, transmitted in response to one or more user command inputs, *(iii) wherein subsequent to said downloading, said display is operable to display a list of user selectable merchandisable items of said plurality of user selectable merchandisable items retrieved from said storage, and wherein* *(iv) by utilizing said network interface and at least a said cellular telephone network said hand held device is operable to transmit one or more user selections corresponding to one or more selected merchandisable items to have a remote processing center process an order for said one or more selected items, wherein each said selected item is selectable individually from said display from said list of user selectable merchandisable items by user input, and in response to a said transmission said hand held device is operable to receive information for said order to display on said display.*		
64. A data entry device for use in a data entry system, and for use by a user to selectively download description information for later user access, to select and order merchandisable items, to select from multi-lingual display, and as a cellular telephone handset, said data entry device comprising:		
*a **reading sensor** responsive to commands and/or sensed commands and data to produce input signals;*	See claim 62 above.	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
a controller coupled to said reading sensor to receive ***and process said input signals****;*	See claim 62.	
said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and		
a display coupled to said controller to display commands and/or information under control of said input signals processed by said controller;		
wherein said reading sensor, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network and said data entry device is integral with a cellular telephone, and		
wherein ***said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device****; said data entry device comprising additional limitations wherein:*	***said controller is responsive to a said command to cause:*** ordinary meaning; no construction required**.** ***downloading of information from a remote processing center as required for updating information previously stored in said data entry device:*** transferring from the remote processing center only information that has changed from the information most recently stored in the data entry device **Intrinsic Evidence:** *See* intrinsic evidence for the "updating" limitation in claim 62 above.	***said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device:*** means what it says and as further stated in this Claim 64 element (d) below; no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 64 (e.g., limitations/claim language directed to: "wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device";

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
		limitation (d)); see also claim 64 element (d) below. In addition, see support also cited above for separate term in Claim 62 element (c) above.
said data entry device with integral cellular telephone together are a hand held device permitting use as a telephone handset, additionally comprising:		
rewritable storage made of solid state memory;		
a rechargeable power supply, and		
a mechanical key switch operable to input user information; wherein further:		
(a) said display is operable to display a selected user understandable language of a number of languages to assist a user in operating said hand held device, wherein a user is able to select a said language and said number of languages includes at least English and one language other than English; and		
(b) by utilizing said network interface and at least a said cellular telephone network said hand held device is operable: *(i)* ***to download*** *from a remote processing center description information corresponding to each of a plurality of user selectable items for storage, and further wherein said description information is maintainable in storage by utilizing said solid state memory for later user access without requiring transmission of any description information to said hand held device,* *(ii) wherein said downloading is in response to one or more coded instructions*	See claim 62.	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
transmitted to a remote processing center via said network interface, transmitted in response to one or more user command inputs, and wherein *(iii)subsequent to said downloading of at least said description information, said display is operable to display a list of user selectable items of said plurality of user selectable items, and in response to user selection of an item of said list, to display description information retrieved from said storage corresponding to said selected item without requiring transmission of any description information to said hand held device, wherein items of said list are selectable individually from said display by user input; and wherein,*		
(c) said information previously stored: is a part of said downloaded description information which part corresponds to an individual item of said plurality of user selectable items, and		
(d) ***said controller being responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored:*** *(i)* ***is to bring said information previously stored for said individual item up to date for a user****, and wherein* *(ii) said* ***downloading*** *of information is also maintainable in storage by utilizing said solid state memory for later user access without requiring transmission of any description information to said hand held device, and*	***Said controller being responsive to a said command to cause:*** ordinary meaning; needs no construction. ***downloading of information from a remote processing center as required for updating information previously stored:*** transferring from the remote processing center only information that has changed from the information most recently stored **Intrinsic Evidence:** *See* intrinsic evidence for the "updating" limitation in claim 62 above. ***is to bring said information previously stored for said***	***(d) said controller being responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored:*** ***(i) is to bring said information previously stored for said individual item up to date for a user:*** means what it says and no elaboration is needed ***(iii) a said command is a command to bring information up to date for an individual user selectable item of a plurality of user selectable items:*** means what

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
(iii) a said command is a command to bring information up to date for an individual user selectable item of a plurality of user selectable items*;*	***individual item up to date for a user:*** to make information for the individual item previously downloaded and stored in storage current by downloading only the information that has changed from the most recent download **Intrinsic Evidence:** *See* intrinsic evidence for the "updating" limitation in claim 62 above. ***a said command is a command to bring information up to date for an individual user selectable item of a plurality of user selectable items****:* such that the command is a command that changes only information that has changed from the most recent information for an individual user selectable item. **Intrinsic Evidence:** *See* intrinsic evidence for the "updating" limitation in claim 62 above.	it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 62 (e.g., limitations/claim language directed to: "(d) said controller being responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored: (i) is to bring said information previously stored for said individual item up to date for a user"; and "(iii) a said command is a command to bring information up to date for an individual user selectable item of a plurality of user selectable items"); see also claim 64, element (d). In addition, see support also cited above for separate term in Claim 62 element (c) above.
(e) said hand held device is operable for a user to place orders for merchandisable items via a remote processing center and via user selections from said display, wherein *(i) by utilizing said network interface and at least a said cellular telephone network said hand held device is operable:* ***to download*** *from a remote processing center at least description information for each of a plurality of user*	See claim 62.	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
selectable merchandisable items for storage, wherein said description information is maintainable in storage by utilizing said solid state memory for later user access without requiring transmission of any description information to said hand held device, *(ii) said downloading is in response to one or more coded instructions transmitted to a remote processing center via said network interface, transmitted in response to one or more user command inputs,* *(iii) wherein subsequent to said downloading, said display is operable to display a list of user selectable merchandisable items of said plurality of user selectable merchandisable items retrieved from said storage, and wherein* *(iv) by utilizing said network interface and at least a said cellular telephone network said hand held device is operable to transmit one or more user selections corresponding to one or more selected merchandisable items to have a remote processing center process an order for said one or more selected items, wherein each said selected item is selectable individually from said display from said list of user selectable merchandisable items by user input, and in response to a said transmission said hand held device is operable to receive information for said order to display on said display.*		
65. A hand held device according to the limitations of claim 64, comprising further limitations,		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
*wherein by utilizing a said **reading sensor** said hand held device is operable to sense coded data associated with alphabetic characters, wherein* *(i) said controller causes said display to display alphabetic characters associated with said coded data subsequent to said sensing;* *(ii) said hand held device further is operable to sense a sequence of said coded data in order to build up text made up of a plurality of said alphabetic characters, wherein said controller causes said display to display said built up text; and* *(iii) said built up text itself makes up a code which corresponds to a user selectable item, wherein subsequent to processing a said code said controller is arranged to cause said display to display information corresponding to said item.*	See claim 62 above.	
66. A hand held device according to the limitations of claim 64, comprising further limitations,		
wherein by utilizing a connection via at least a said cellular telephone network said hand held device is operable: *to receive a request from a remote processing center for a user to input user identification information for utilization by a said remote processing center, to receive said input user identification information, and to transmit said input user identification information to a said remote processing center.*		
67. A hand held device according to the		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
limitations of claim 64, comprising further limitations wherein,		
said controller is configured to process code, wherein *(i) a said code includes user visible text and is associated with a user selectable item,* *(ii) in response to user input including selection of user* ***visiable*** *text of a said code by use of said hand held device, said controller processes a said code, wherein* *(iii) subsequent to said controller processing a said code said display displays description information relating to said user selectable item, and said processing includes processing of text of a said code.*	HTC does not oppose DataQuill's proposed substitution of "visible" for "visiable."[2]	**visiable [sic: visible]** : The term "visiable" is an apparent typographical error (here when published by the Patent Office), and the term should be "visible".
69. A hand held device according to the limitations of claim 64, comprising further limitations wherein,		
said controller, in response to user input including selection of an individual, user selectable item from a plurality of user selectable items, is operable to determine if corresponding description information, which is available at a remote processing center and is for said individual item, is displayable on said display from storage in said solid state memory: *(i) wherein said selected individual item is determined to be an item of a plurality of user selectable items for which description*		

[2] DataQuill has identified herein typographical errors in the claims, and provided corrections to same. Some are the subject of a pending request for a Certificate of Correction filed with the United States Patent and Trademark Office ("USPTO"), and others are not. As noted, HTC does not oppose the corrections listed by DataQuill herein.

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
information for said items is also available from storage in said solid state memory, said controller is configured to cause said corresponding description information from said storage to display on said display for said item without requiring transmission of any description information to said hand held device; *(ii) wherein said selected individual item is determined to be an item of a plurality of selectable items for which corresponding description information for said item is not available from storage in said solid state memory said controller is configured to cause said hand held device to automatically connect to a remote processing center via at least a said cellular telephone network* ***to download*** *description information relating to said item, wherein said downloaded description information is maintainable in storage in said hand held device, for later user access by utilizing said solid state memory, and* *(iii) wherein said controller is configured to cause said automatic connection subsequent to processing a code associated with said individual item.*	See claim 62.	
70. A hand held device according to the limitations of claim 64, comprising further limitations		
wherein said hand held device is operable for use with a television display viewable by a user of said hand held device, wherein said television display displays a plurality of items selectable by a user by operation of said hand held device.		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
73. A hand held device according to the limitations of claim 64, comprising further limitations, wherein said hand held device also comprises:		
*a **camera** coupled to said controller, and wherein,* *(i) said camera is operable to sense and capture data relating to a plurality of selectable items for storage of said data by said solid state memory for later user access; and* *(ii) said network interface is operable to transmit data captured by said camera from said storage, via a said cellular telephone network; and* *(iii) said data is made of one or more images.*	**camera:** a device that can capture an image, which could be an image of one or more characters, and recognize the contents of the image when used in combination with a processor which may execute image recognition software **Intrinsic Evidence:** '304 patent, 17:52-58 ("Indeed, in other embodiments of the invention full character recognition (OCR) could be employed where the reading sensor is in the form of a camera or other scanning sensor incorporated in the reading head. With a camera and appropriate recognition logic, the pen could be used, for example, for fingerprint recognition, either as an aim in itself, or for user validation purposes."). '304 patent, 5:35-41 ("As an alternative to the use of bar codes, other data representations could be used. Indeed, if the data entry device is provided with a reading sensor in the form of a camera or other scanning sensor rather than a bar code reader, and the data entry device is provided with character or image recognition logic, graphical or alphanumeric data representations can be captured directly."). November 27, 2006 Request for Reexamination of '304 patent with exhibits A-AA, [HTCDQ016178-17780] and January 25, 2007 Response Resubmitting	**camera:** means what it says and no elaboration is needed **Intrinsic Evidence:** '304 Patent and '304 Reexam. Certificate Claims 13, 45, 46, 73, 74. '304 Patent Col. 5:35-43; 17:48-58. **Other Authority:** *RIM v. DataQuill Ltd.*, 08/14/08 Order Construing Claim Terms of '304 and '591 Patents (No. 3:06-CV-0973-N, N.D. Tex. 2008); *DataQuill Ltd. v. Kyocera Wireless Corp.*, 10/25/05 Superseding Claim Interpretation Order (No. 01CV2302B, S.D. Cal. 2005); *DataQuill Ltd. v. Handspring, Inc.*, 2003 U.S. Dist. Lexis 2981 (N.D. Ill. 2003). **As rebuttal to HTC's use of prosecution history, DataQuill may rely on the following parts of the prosecution record:** Prosecution record cited by HTC. Jan. 25, 2007 Request for Ex Parte Reexamination (of U.S. 6,058,304), e.g., pp. 10-14. Feb. 2, 2007, Request for Ex Parte Reexamination (of U.S. 7,139,591), e.g., pp. 20-24.

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	Request for Reexamination of '304 patent (HTCDQ017787-17874) at 45-51, exhibit J (Martinez [U.S. Patent No. 5,334,824, HTCDQ016316-324, Exhibit J to Request for Reexamination of '304 patent) and S [HTCDQ017753-17780] (Martinez and other references). April 13, 2007 Order Granting Reexamination Request (HTCDQ017968-18019) at 15-17 (discussing Martinez). April 1, 2008 Office Action in reexamination of '304 patent (HTCDQ033521-33556) at 21-26 (adopting exhibit S to reject pending claims). June 2, 2008 Response to Office Action (HTCDQ033626-33793) in reexamination of '304 patent, at 78 ("It is respectfully submitted that Martinez does not disclose the limitations of element 1.1 [a reading sensor responsive to *commands* and/or *sensed commands* and data to produce input signals"]. Element 1.1 requires that a 'reading sensor' must be 'responsive to *commands* and/or *sensed commands* … to produce input signals.' *Martinez* does not disclose a camera that is responsive to *commands* or to *sensed commands*. Instead, at the cited passage, *Martinez* discloses a video camera 'to view the user or a customer, and to generate a video signal.' (*Martinez* Col. 5:49-6:2.). For at least the above reasons, Martinez does not anticipate independent Claims 1-3 and their dependent claims.") (emphasis in original). June 2, 2008 Response to Office Action at (HTCDQ033626-33793) in reexamination of '304 patent, at 86-87 ("In any event, it is apparent why	Aug. 7, 2007 Supp. Information Discl. Statement in file no. 90/008,340.; Aug. 7, 2007 Supp. Information Discl. Statement in file no. 90/008,394.; Oct. 3, 2007 Supp. Information Discl. Statement in file no. 90/008,340.; Oct. 3, 2007 Supp. Information Discl. Statement in file no. 90/008,394. April 1, 2008 First Office Action in '304 patent re-exam., file no. 90/008,340. June 19, 2008 Patentee Written Statement of Interview in file no. 90/008,394. June 2, 2008 Patentee Response to Office Action in '304 Patent Reexam., file no. 90/008,340. July 28, 2008 Patentee's Supplemental Response to First Office Action in file no. 90/008,340, and no. 90/008,394. Declaration of Donnelly, Exhibit C. April 13, 2009 Patentee's Comments on Reasons for Patentability, in file no. 90/008,394. Oct. 26, 2009 Patentee's Second Response to Second Office Action and Response to Advisory Action, in file no. 90/008,340, pg. 63, 67. Dec. 15, 2009 Patentee's Comments on Reasons for Patentability and/or Confirmation, in file no. 90/008,340: **Other rebuttal evidence:** April 28, 2005 Joint Claim Construction Chart for U.S. Patent No. 6,058,304, *DataQuill Ltd. v. Kyocera Wireless Corp.*, No. 01 CV2302B (BLM) (S.D. Cal.). October 2, 2007 Joint Claim Construction Chart (U.S. patent no. 6,058,304 and 7,139,591), *Rim v. DataQuill*

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	Requester did not cite any support for its assertion. Martinez does not provide such disclosure. For instance, adopted Exhibit S, relies upon Martinez's camera to meet the 'reading sensor' requirement of prior Elements 26.1, 27,1, 28.1, 29.1 and 30.1. The *Martinez's* camera, however, is only used to send an image of a customer 'to a remote television screen' (Col. 6/ll. 50-52) as way to verify that person's identity. *Martinez*, of course, has no disclosure or teaching at all of using its camera to select form a plurality of items that have information programmed into storage, as required by elements 26.2 and 29.2 [rewritable storage programmable with information relating to a plurality of items, user selectable by means of said reading sensor]. A reading sensor of *Martinez* must meet this limitation in these Elements and *Martinez* camera certainly does not.") (emphasis in original). June 25, 2009 Office Action in reexamination of '304 patent (HTCDQ047787-47822) at 22 ("Patent owner argues on page 78 that Martinez fails to teach a reading sensor 'responsive' to commands and/or sensed commands. Instead, it is argued, Martinez teaches a convention video camera 'to view the user or a customer, and to generate a video signal.' The remaining independent claims rejected under Martinez, specifically claims 26-30, similarly recite a reading sensor responsive to sensed command. See pages 86-88 of the Amendment. The patent owner's arguments above have been duly considered and are deemed persuasive. Although the claim language could broadly read upon Martinez (e.g., reading a video camera as the reading sensor responsive to commands), such an interpretation would not be	*Ltd.*, No. 06 CV0973 (N.D. Tex.).

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	reasonable consistent with the specification of the patent under reexamination. Thus, Martinez appears unsuitable as both an anticipatory reference and as a base reference in an obviousness inquiry. Thus, all rejections based upon Martinez are withdrawn and not repeated in the present Office action."). Rebuttal evidence: HTC may rely upon the citations for this term provided by DataQuill. **Extrinsic Evidence:** U.S. Patent No. 5,334,824, (Martinez) HTCDQ016316-16324, at Abstract, 5:44-6:2	
75. A hand held device according to the limitations of claim 64, comprising further limitations wherein said hand held device further comprises:		
a wireless interface coupled to said controller and to said solid state memory; wherein *(i) said wireless interface is operable to establish a wireless link with a device separate from said hand held device to enable transmission of information from said solid state memory to said device separate from said hand held device; wherein* *(ii) said wireless link is made of short range radio signals; and wherein* *(iii) said device separate from said hand held device is a printer.*		
76. A hand held device according to the limitations of claim 64, comprising further limitations, wherein:		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
*a said **reading sensor** is a roller ball responsive to movement cause by a user.*	See claim 62 above.	
77. A hand held device according to the limitations of claim 64, comprising further limitations, wherein:		
*a said **reading sensor** is a bar code reader device or other optical code reader device.*	See claim 62 above.	
78. A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:		
*a **reading sensor** for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;*	See claim 62 above.	
rewritable storage programmable with information relating to selectable items;		
*a controller connected to receive and **process said input signals** from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item;*	See claim 62.	
a display screen for displaying a user readable representation of said commands and said stored information for said selected item; and		
*a telecommunications interface for telephonic transmission of information relating to a selected item or items from said storage to a remote processing center via a wireless telecommunications network and for telephonic reception of information relating to said selectable items from said **remmote** processing center to said storage via said wireless*	**remmote:** remote. HTC does not oppose DataQuill's substitution of "remote" for "remmote" in this claim.	**remmote [sic: remote]** : The term "remmote" is an apparent typographical error (when published by the Patent Office), and the term should be "remote".

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
telecommunications network, wherein said telecommunications interface is a telecommunications line interface integral to said hand holdable unit and directly connects said hand-holdable unit to said wireless telecommunications network;		
comprising further limitations wherein said hand holdable unit additionally comprises: a speaker and a microphone permitting said hand holdable unit to be used as a telephone handset;		
a rechargeable power supply;		
a plurality of mechanical key switches operable to input user information; and wherein said rewritable storage is made of solid state memory; wherein further		
(a) by utilizing said telecommunications interface and at least ***a said cellular telephone network*** *said hand holdable unit is operable:* *(i)* ***to download*** *from a remote processing center description information corresponding to each of a plurality of user selectable items for storage, and further wherein said description information is maintainable in storage by utilizing said solid state memory for later user access without requiring transmission of any description information to said hand holdable unit,* *(ii) wherein said downloading is in response to one or more coded instructions transmitted to a remote processing center via said network interface, transmitted in response to one or more user command inputs, and*	Although DataQuill has not filed a request for issuance of a certificate of correction for this term, HTC does not oppose DataQuill's proposed substitution of "a cellular telephone network" for "a said cellular telephone network" in this claim. See claim 62.	***a said cellular telephone network [sic: a cellular telephone network]*** : The term "said cellular telephone network" is an apparent typographical error (here by Patentee in submitting amendment) because "cellular telephone network" is first introduced in claim 78 here and "said" is unneeded.

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
wherein *(iii) subsequent to said downloading of at least said description information, said display is operable to display a list of user selectable items of said plurality of user selectable items, and in response to user selection of an item of said list, to display description information retrieved from said storage corresponding to said selected item without requiring transmission of any description information to said hand holdable unit, wherein items of said list are selectable individually from said display by user input; and wherein,*		
(b) said controller is configured to process code, wherein a said code includes user visible text and is associated with a user selectable item, and wherein, *(i) in response to user input including selection of user visible text* ***for*** *a said code by use of said hand holdable unit, said controller processes a said code, and wherein subsequent to said controller processing a said code said display displays description information relating to said user selectable item, and* *(ii) said processing includes processing of text of a said code.*	HTC does not oppose DataQuill's proposed substitution of the term "of" for the word "for" in this claim.	**for [sic: of]** : The term "for" instead of "of" is an apparent typographical error (here an error when published by the Patent Office), and the term should be "of".
79. A data entry system comprising a hand holdable data entry unit according to the limitations of claim 78, said hand holdable unit comprising further limitations wherein:		
(c) said controller, in response to user input including selection of an individual, user selectable item from a plurality of user		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
selectable items, is operable to determine if corresponding description information, which is available at a remote processing center and is for said individual item, is displayable on said display from storage in said solid state memory: *(i) wherein said selected individual item is determined to be an item of a plurality of user selectable items for which description information for said items is also available from storage in said solid state memory, said controller is configured to cause said corresponding description information from said storage to display on said display for said item without requiring transmission of any description information to said hand holdable unit;* *(ii) wherein said selected individual item is determined to be an item of a plurality of selectable items for which corresponding description information for said item is not available from storage in said solid state memory said controller is configured to cause* ***said said*** *hand holdable unit to automatically connect to a remote processing center via at least a said cellular telephone network* ***to download*** *description information relating to said item, wherein said downloaded description information is maintainable in storage in said hand holdable unit, for later user access by utilizing said solid state memory, and* *(iii) wherein said controller is configured to cause said automatic connection subsequent to processing a code associated with said individual item.*	Although DataQuill has not filed a request for a certificate of correction for this term, HTC does not opposed DataQuill's proposed substitution of "said" for "said said" in this term. See claim 62.	**said said [sic: said]** : The term "said said" is an apparent typographical error (here by Patentee in submitting an amendment), and the term should be "said".

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
80. A data entry device for use in a data entry system, said data entry device comprising:		
*a **reading sensor** responsive to commands and/or sensed commands and data to produce input signals;*	See claim 62 above.	
*a controller coupled to said reading sensor to receive and **process said input signals**;*	See claim 62.	
said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and		
a display coupled to said controller to display commands and/or information under control of said input signals processed by said controller;		
wherein said reading sensor, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network and said data entry device is integral with a cellular telephone,		
*and **wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device**;*	See claim 64, element 64(d).	***wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 80 (e.g., limitations/claim language directed to: "wherein said

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
		controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device"). In addition, see support also cited above for separate term in Claim 62 element (c).
wherein a said reading sensor is for reading coded data such as fingerprints or signatures or ***written text****,*	**written text:** handwritten text **Intrinsic Evidence:** '304 patent, 11:13-24 ("In this example of operation, in step S4, when an option 'Left-handed operation' is encountered on the screen, the pen is scanned of the 'Enter' command bar code on the command sheet of FIG. 6. Whereas for right-handed operation, where text is displayed in English, the text is displayed in sequence from the end of the display nearest the reading head 14 towards the opposite end, for left-handed operation the text display is inverted with the text then reading from the end of the display furthest from the reading head to the end nearest thereto."). '304 patent, FIG. 6. **Extrinsic Evidence:** Webster's Tenth New Collegiate Dictionary 1367 (1993); e.g.: "write/written: 1(a) to form (as characters or symbols) on a surface with an instrument (as a pen); b: to form (as words) by inscribing the characters or symbols of on a surface."	**written text:** means what it says and no elaboration is needed **Intrinsic Evidence:** '304 Patent and Reexam. Certificate claims, e.g. Claims 80, 81, 82, 83, 84. '304 Patent Col. 3: 51-65; col. 4: 4-13; col. 5: 18-41, 53-56; col. 10: 62-67; col. 11: 8-65; col. 12: 12-25, 35-45, 51-56; col. 13: 14-21; 44-48; col. 17: 36-47, 48-55, 59-67. **Extrinsic Evidence:** RANDOM HOUSE COLLEGE DICTIONARY ((c) 1988): **written:** "... 2. expressed in writing (opposed to spoken)."
wherein said controller is arranged to access	**natural language characters:** user understandable	**natural language characters:** means what it says and

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
stored information for selectable items to determine ***natural language characters*** *or images corresponding to the coded data for display;* *with further limitations, wherein said coded data is coded data having user visible* ***written text****; and* *wherein in response to a user utilizing a said reading sensor to select said text of said coded data, said coded data is read, wherein said coded data is read via said controller processing text of said coded data.*	language characters such as common English **Intrinsic Evidence:** '304 patent, 5:18-29 ("The invention also provides a carrier for a plurality of data and/or command codes e.g., bar and/or dot codes) for association with means for displaying a plurality of selectable items in a data entry system or a merchandising system as defined above, wherein the carrier carriers a plurality of codes, each for a respective one of a plurality of natural language and/or numeric characters, and a plurality of commands for controlling the operation of the data entry or merchandising system, each code being associated with a visual representation of the corresponding natural language or numeric character or command and/or of a graphical representation thereof."). **Extrinsic Evidence:** IEEE Standard Dictionary of Electrical and Electronics Terms 566 (1984) ("natural language: a language whose rules are based on current usage without being explicitly prescribed. Examples include English, Chinese, French, and Swahili.")	no elaboration is needed; Alternatively: user understandable language characters such as common English **Intrinsic Evidence:** Col. 3:47-51 ("Preferably, the hand held unit comprises a sensor for reading coded data, the controller being arranged to access the stored information for selectable items to determine natural language characters or images corresponding to the coded data for display."); 5:18-29 ("the carrier carries a plurality of codes, each for a respective one of a plurality of natural language and/or numeric characters … each code being associated with a visual representation of the corresponding natural language or numeric character … and/or of a graphical representation thereof"); 9:14-20 ("processor is programmed … to receive signals from the reading head 14, to interpret those signals and to derive data therefrom which are displayed on the display 20 and stored in the RAM 78 for subsequent transmission"); 9:66-10:61 ("data are then stored in RAM as the result of reading a bar code and are used to address a description of the item referenced by the bar code value from a further look-up table. If a description of the item corresponding to the bar code value is stored in the ROM 76 and/or the RAM 78 in a suitable data structure so that the bar code value can be used either directly or indirectly to address the appropriate description, then the item description can readily be displayed instead of or as well as the bar code value"); 11:33-44 (Re Fig. 6: "In step S5, …. a series of merchandise selections can be entered by the user by scanning the bar codes for the desired merchandise selections and the command bar codes 'Enter', 'Clear', 'Quantity', etc., as appropriate.

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
		.As each bar code is scanned successfully, the good read indicator 26 lights and the data read by the bar code reader is displayed on the screen. Either the alphanumeric value of the bar code read is displayed or, if a description of the item corresponding to the bar code value is stored in the RAM or the ROM. then this can be displayed instead of or as well as the bar code value.").
81. A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:		
*a **reading sensor** for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;*	See claim 62 above.	
rewritable storage programmable with information relating to a plurality of items, user selectable by means of said reading sensor;		
*a controller connected to receive and **process said input signals** from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item; and*	See claim 62.	
a display screen for displaying a user readable representation of said commands and said stored information for said selected item;		
and said system further comprising: *a telecommunications interface for telephonic transmission of information relating to a selected item or items from said storage to a remote processing center via a telecommunications network and for telephonic reception of information relating to selectable items from said remote processing center to said storage via said telecommunications network,*		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
said controller being responsive to a said command to cause downloading of information from said remote processing center as required for updating information previously stored in said rewritable storage for one or more of said selectable items,	***said controller being responsive to a said command to cause:*** ordinary meaning; no construction necessary. ***downloading of information from said remote processing center as required for updating information previously stored in said rewritable storage for one or more of said selectable item:*** transferring from the remote processing center only information that has changed from the information most recently stored in the rewritable storage for one or more of the selectable items to bring the information for one or more of the selectable items current **Intrinsic Evidence:** *See* intrinsic evidence for the "updating" limitation in claim 62 above.	***said controller being responsive to a said command to cause downloading of information from said remote processing center as required for updating information previously stored in said rewritable storage for one or more of said selectable items:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 81 (e.g., limitations/claim language directed to: "said controller being responsive to a said command to cause downloading of information from said remote processing center as required for updating information previously stored in said rewritable storage for one or more of said selectable items,"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
wherein said hand holdable unit includes a speaker and a microphone permitting said hand holdable unit to be used as a telephone handset;		
wherein a said reading sensor is for reading coded data, wherein said controller is arranged to access the stored information for selectable items to determine ***natural language characters*** *or images corresponding to the coded data for display;* *wherein said coded data comprises fingerprints, or signatures, or* ***written text****;* *with further limitations, wherein said coded data is coded data having*	See claim 80. See claim 80.	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
*user visible **written text**; and wherein* *in response to a user utilizing a said reading sensor to select said text of said coded data, said coded data is read, wherein* *said coded data is read via said controller processing text of said coded data; and wherein* *said natural language characters or images make up description information corresponding to a user selectable item.*		
82. A data entry device for use in a data entry system, said data entry device comprising:		
*a **reading sensor** responsive to commands and/or sensed commands and data to produce input signals;*	See claim 62 above.	
*a controller coupled to said reading sensor to receive and **process said input signals**;*	See claim 62.	
said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and		
a display coupled to said controller to display commands and/or information under control of said input signals processed by said controller;		
wherein said reading sensor, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network, and		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
wherein ***said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device;***	See claim 64, element 64(d).	***said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 82 (e.g., limitations/claim language directed to: "said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
wherein a said ***reducing sensor*** *is for reading coded data such as fingerprints or signatures or* ***written text****, and wherein said controller is arranged to access stored information for selectable items to determine* ***natural language characters*** *or images corresponding to the coded data for display, and* *wherein said coded data comprises bar codes and/or binary dot codes and said sensor is a bar code and/or dot code reader.*	DataQuill has filed a request for certificate of correction requesting the Patent Office to issue a certificate to change this term from "reducing" to "reading." The Patent Office has not yet acted on that request. This term is to be construed as "reading sensor," consistent with the construction of that term in claim 62 above. See claim 80.	**reducing sensor [sic: reading sensor]** :The term "reducing" is an apparent typographical error (here when published by the Patent Office), and the term should be "reading".
83. A data entry device for use in a data entry system, said data entry device comprising:		
a ***reading sensor*** *responsive to commands and/or sensed commands and data to produce input signals;*	See claim 62 above.	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
*a controller coupled to said **reading sensor** to receive and **process said input signals**;*	See claim 62 above.	
said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and		
a display coupled to said controller to display commands and/or information under control of said input signals processed by said controller;		
wherein said reading sensor, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network and said data entry device is integral with a cellular telephone, and		
***wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device**;*	See claim 64, element 64(d).	***wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 83 (e.g., limitations/claim language directed to: "said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device"). In addition, see support also cited above for separate

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
		term in Claim 62 element (c) of '304 Patent.
wherein a said reading sensor is for reading coded data such as fingerprints or signatures or ***written text****, and wherein said controller is arranged to access stored information for selectable items to determine* ***natural language characters*** *or images corresponding to the coded data for display, and* *wherein said coded data comprises bar codes and/or binary dot codes and said sensor is a bar code and/or dot code reader.*	See claim 80.	
85. A data entry device for use in a data entry system, said data entry device comprising:		
a ***reading sensor*** *responsive to commands and/or sensed commands and data to produce input signals;*	See claim 62 above.	
a controller coupled to said reading sensor to receive and ***process said input signals****;*	See claim 62.	
said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and		
a display coupled to said controller to display commands and/or information under control of said input signals processed by said controller;		
wherein said reading sensor, controller and display comprise a unitary assembly and said		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network, and		
wherein said controller is responsive to a said command to cause ***downloading of information form a remote processing center as required for updating information previously stored in said data entry device****; and*	HTC does not oppose DataQuill's proposed substitution of "information form" as "information from." ***downloading of information form a remote processing center as required for updating information previously stored in said data entry device:*** See construction of **"**downloading of information from a remote processing center as required for updating information previously stored in said data entry device" in claim 64 above. **Intrinsic Evidence:** See intrinsic evidence for updating limitation in claim 64 above.	***information form [sic: information from]*** : The term "information form" is an apparent typographical error (here when published by the Patent Office), and the term should be "information from". ***wherein said controller is responsive to a said command to cause downloading of information form [sic: from] a remote processing center as required for updating information previously stored in said data entry device:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 85 (e.g., limitations/claim language directed to: "wherein said controller is responsive to a said command to cause downloading of information form [sic: from] a remote processing center as required for updating information previously stored in said data entry device"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
wherein said controller is user programmable to cause captured data to be displayed on said display either in a first orientation suitable for reading displayed data when said data entry device is held in a user's right hand, or in a second orientation suitable for reading displayed data when said data entry device is		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
held in a user's left hand, *said controller being responsive to user programming operations including scanning of an appropriate command code using said reading sensor.*		
86. A data entry device for use in a data entry system, said data entry device comprising:		
a ***reading sensor*** *responsive to commands and/or sensed commands and data to produce input signals;*	See claim 62 above.	
a controller coupled to said ***reading sensor*** *to receive and* ***process said input signals****;*	See claim 62 above.	
said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and		
a display coupled to said controller to display commands and/or information under control of said input signals processed by said controller;		
wherein said reading sensor, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network and said data entry device is integral with a cellular telephone, and		
wherein said controller is responsive to a said command to cause downloading of	See claim 64, element 64(d).	***wherein said controller is responsive to a said command to cause downloading of information from a***

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
information from a remote processing center as required for updating information previously stored in said data entry device*; and*		***remote processing center as required for updating information previously stored in said data entry device:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 86 (e.g., limitations/claim language directed to: "wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
wherein said controller is user programmable to cause captured data to be displayed on said display either in a first orientation suitable for reading displayed data when said data entry device is held in a user's right hand, or in a second orientation suitable for reading displayed data when said data entry device is held in a user's left hand, *said controller being responsive to user programming operations including scanning of an appropriate command code using said reading sensor.*		
94. A data entry device for use in a data entry system, said data entry device comprising:		
*a **reading sensor** responsive to commands and/or sensed commands and data to produce input signals;*	See claim 62 above.	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
a controller coupled to said reading sensor to receive and ***process said input signals****;*	See claim 62.	
said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and		
a display coupled to said controller to display commands and/or information under control of said input signals processed by said controller;		
wherein said reading sensor, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network, and		
wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device*;*	See claim 64, element 64(d).	***wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 94 (e.g., limitations/claim language directed to: "wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
additionally comprising as well as or instead of said display screen, and separate from said data entry device, means for displaying a selectable item with associated data sources for user selection of an item by operation of said data entry device*; and*	***additionally comprising as well as or instead of said display screen, and separate from said data entry device, means for displaying a selectable item with associated data sources for user selection of an item by operation of said hand holdable unit:*** This phrase includes the term "means for displaying a selectable item with associated data sources for user selection of an item by operation of said data entry device", which is a 35 U.S.C. § 112 ¶ 6 term. Function: displaying a selectable item with associated data sources for user selection of an item by operation of said data entry device. Structure: The structure described in the specification of the '304 patent for performing this function, and which comprises as well as or instead of said display screen and separate from the data entry device, is a television screen. '304 patent, 17:59-67 ("In a merchandising system, where bar codes or other codes are associated with merchandisable items, this could be achieved simply by means of a printed catalogue, or some other form of list, or as a result of codes applied to examples of the products in question, or as a result of codes displayed, for example, on a TV screen with images relating to those products. The only requirement is that the display of the codes are readable by the data entry system of the present invention."). '304 patent, 4:62-5:10 ("It enables the user to make shopping selections from a catalogue or from a series of options displayed on a television screen from the	***additionally comprising as well as or instead of said display screen, and separate from said data entry device,:*** means what it says and no elaboration is needed ***means for displaying a selectable item with associated data sources for user selection of an item by operation of said data entry device*:** means plus function term **Function:** displaying a selectable item with associated data sources for user selection of an item by operation of the data entry device **Corresponding structure:** For example, see '304 patent, Col. 17:59-67 (e.g., "In a merchandising system, where bar codes or other codes are associated with merchandisable items, this could be achieved simply by means of a printed catalogue, or some other form of list, or as a result of codes applied to examples of the products in question, or as a result of codes displayed, for example, on a TV screen with images relating to those products. The only requirement is that the display of the codes are readable by the data entry system of the present invention"); Col. 4:62 to Col. 5:10 (e.g., "It enables the user to make shopping selections from a catalogue or from a series of options displayed on a television screen from the comfort of his or her home without the need to connect the device to a conventional telephone network. A hand held unit including a wireless telephone network interface such as a cellular network interface finds particular application where the user of the system is travelling from place to place and may need to perform data entry functions when they are far from a conventional wired telephone

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	comfort of his or her home without the need to connect the device to a conventional telephone network. A hand held unit including a wireless telephone network interface such as a cellular network interface finds particular application where the user of the system is travelling from place to place and may need to perform data entry functions when they are far from a conventional wired telephone network socket."). The construction of this phrase is therefore: "a television screen separate from the data entry device, and equivalents thereof."	network socket."); and their equivalents.
a remote processing center for processing user selections transmitted from said data entry device.		
95. A data entry device for use in a data entry system, said data entry device comprising:		
*a **reading sensor** responsive to commands and/or sensed commands and data to produce input signals;*	See claim 62 above.	
*a controller coupled to said **reading sensor** to receive and **process said input signals**;*	See claim 62 above.	
said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and		
a display coupled to said controller to display commands and/or information under control of said input signals processed by said controller;		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
*wherein said **reading sensor**, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network and said data entry device is integral with a cellular telephone, and*	See claim 62 above.	
***wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device**;*	See claim 64, element 64(d).	***wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 95 (e.g., limitations/claim language directed to: "wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
***additionally comprising as well as or instead of said display screen, and separate from said data entry device, means for displaying a selectable item with associated data sources for user selection of an item by operation of said data entry device;** and*	See claim 94 above.	
a remote processing center for processing user selections transmitted from said data entry device.		
97. A data entry device for use in a data entry system, said data entry device comprising:		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
*a **reading sensor** responsive to commands and/or sensed commands and data to produce input signals;*	See claim 62 above.	
*a controller coupled to said **reading sensor** to receive and **process said input signals**;*	See claim 62 above.	
said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and		
a display coupled to said controller to display commands and/or information under control of said input signals processed by said controller;		
wherein said reading sensor, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network, and		
***wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device**; and*	See claim 64, element 64(d).	***wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 97 (e.g., limitations/claim language directed to: "wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
		device"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
comprising rewritable storage and ***wherein programs in said data entry device are updateable remotely from a processing center****.*	**wherein programs in said data entry device are updateable remotely from a processing center:** such that programs stored in the data entry device are made current by downloading only the changes to the most recently stored programs upon initiation by the remote processing center **Intrinsic Evidence:** *See* intrinsic evidence for the "updating" limitation in claim 62 above.	***wherein programs in said data entry device are updateable remotely from a processing center*****:** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 81 (e.g., limitations/claim language directed to: "wherein programs in said data entry device are updateable remotely from a processing center"). In addition, see support also cited above for separate term in Claim 62 element (c).
98. A data entry device for use in a data entry system, said data entry device comprising:		
a ***reading sensor*** *responsive to commands and/or sensed commands and data to produce input signals;*	See claim 62 above.	
a controller coupled to said reading sensor to receive and ***process said input signals****;*	See claim 62.	
said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and		
a display coupled to said controller to display commands and/or information under control of		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
said input signals processed by said controller;		
*wherein said **reading sensor**, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network and said data entry device is integral with a cellular telephone, and*	See claim 62 above.	
*wherein said controller is responsive to a said command to cause **downloading of information from a remote processing center as required for updating information previously stored in said data entry device**; and*	See claim 64, element 64(d).	***wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 98 (e.g., limitations/claim language directed to: "wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
*comprising rewritable storage and **wherein programs in said data entry device are updateable remotely from a processing center**.*	See claim 97.	
100. A data entry device for use in a data entry system, said data entry device comprising:		
*a **reading sensor** responsive to commands and/or sensed commands and data to produce input signals;*	See claim 62 above.	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
*a controller coupled to said **reading sensor** to receive and **process said input signals**;*	See claim 62 above.	
said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and		
a display coupled to said controller to display commands and/or information under control of said input signals processed by said controller;		
wherein said reading sensor, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network, and		
***wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device**; and*	See claim 64, element 64(d).	***wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 100 (e.g., limitations/claim language directed to: "wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
comprising a ***carrier*** *or a display for a plurality of data and/or command codes for association with* ***means for displaying a plurality of selectable items****,*	**carrier:** a physical medium, separate from and external to the data entry device that carries coded data recognizable by the data entry device as corresponding to data or commands **Intrinsic Evidence:** '304 patent, 5:18-29 ("The invention also provides a carrier for a plurality of data and/or command codes (e.g., bar and/or dot codes) for association with means for displaying a plurality of selectable items in a data entry system or a merchandising system as defined above, wherein the carrier carries a plurality of codes, each for a respective one of a plurality of natural language and/or numeric characters, and a plurality of commands for controlling the operation of the data entry or merchandising system, each code being associated with a visual representation of the corresponding natural language or numeric character or command and/or of a graphical representation thereof."). '304 patent, 5:52-56 ("The carrier is preferably in the form of a sheet of material. The various characters and commands could be arranged in the manner of a standard typewriter keyboard layout to facilitate entry of individual codes to make up a desired code sequence (e.g., for a specific product code"). '304 patent, Figure 6. '304 patent, 9:60-65 ("FIG. 6 is a schematic representation of an example of a control card for use	***a carrier*****:** a medium which carries one or more data and/or command code, character, image, or graphical or alphanumeric data representation; Alternatively: a medium that carries one or more data and/or command codes **Intrinsic Evidence:** '304 Patent and '304 Reexam. Certificate Claims 20, 52, 53, 55 ("wherein said carrier comprises a display"), 100, 101, 102, 110, 111, 116, 117. Col. 5:10-56 ("data entry system or a merchandising system as described above preferably includes a verification device in the form of a verification card (e.g., a credit, payment or other validation card) or like carrier carrying a verification bar code and/or dot code for verification of a user identity"; "carrier for a plurality of data and/or command codes (e.g., bar and/or dot codes)"; "the carrier carries a plurality of codes"; "The carrier is preferably in the form of a sheet of material"); 12:12-18 (selectable items displayed on pen's display); 12:51-64 ("verification card (e.g., a credit, payment or other validation card) or like carrier carrying a verification bar code and/or dot code for verification of a user identity"); 12:65-13:21 ("One or more touch sensitive areas can be defined on the touch sensitive screen area, in combination with the data displayed on the display screen, for the entry of commands and/or the selection of displayed items. In particular, the processor 74 can be arranged to display a menu of user selectable items and to be responsive to a location at which the screen is touched for input of a user selection of a menu item. The touch sensitive screen can then thus be used as a dynamic and reconfigurable user interface. Touch screen entry can be used in place

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	with the pen 10. The card shows bar codes for the numerals 0 to 9 and for a set of commands. The command bar codes are used for controlling the operation of the pen 10. The control card can be thought of as a keyboard extension for the pen."). '304 patent, 17:34-47 ("The control sheet or data carrier effectively forms a keyboard extension for the pen. Although in the example of a card or other carrier shown in FIG. 6, a set of bar codes for only numeric and command codes are indicated, if desired a set of bar codes for the complete alphabet could be provided. Alternatively arrangements of the cods would also be possible, for example a complete set of codes and corresponding characters could be arranged in the format of a standard typewriter keyboard. The codes could also be incorporated in the letters and numerals, for example extending as a strip across the letters and numerals. For example, a bar code could replace the cross bar in a capital 'A', and similar modifications for other letters of the alphabet."). '304 patent, Figures 6 and 7. '304 patent, 11:13-16 ("In this example of operation, in step S4, when an option 'Left-handed operation' is encountered on the screen, the pen is scanned over the 'Enter' command bar code on the command sheet of FIG. 6."). '304 patent, 11:35-38 ("Then a series of merchandise selections can be entered by the user by scanning the bar codes for the desired merchandise selections and the command bar codes 'Enter', 'Clear', 'Quantity', etc., as appropriate.").	of or in addition to the entry of commands by scanning the bar codes on the command bar code card"); 17:34-67 ("control sheet or data carrier effectively forms a keyboard extension for the pen"; "In a merchandising system, where bar codes or other codes are associated with merchandisable items, this could be achieved simply by means of a printed catalogue, or some other form of list, or as a result of codes applied to examples of the products in question, or as a result of codes displayed, for example, on a TV screen with images relating to those products. The only requirement is that the display of the codes are readable by the data entry system of the present invention."). **Extrinsic Evidence:** MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY (10th Ed. 1993) **Carrier**: "a device or machine that carries" **Other Authority:** *RIM v. DataQuill Ltd.*, 08/14/08 Order Construing Claim Terms of '304 and '591 Patents (No. 3:06-CV-0973-N, N.D. Tex. 2008); *DataQuill Ltd. v. Kyocera Wireless Corp.*, 10/25/05 Superseding Claim Interpretation Order (No. 01CV2302B, S.D. Cal. 2005); *DataQuill Ltd. v. Handspring, Inc.*, 2003 U.S. Dist. Lexis 2981 (N.D. Ill. 2003)

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	'304 patent, 12:19-25 ("All other command functions are input by reading appropriate command codes form a command sheet. For this embodiment therefore, a command sheet should include commands for left and right handed operation, or a command for changing handedness. Then, to change between left and right-handed operation, it is merely necessary to scan an appropriate command bar code."). Original claims of PCT/GB94/02101 dated September 27, 1994, in file history of application 08/619,682 leading to the '304 patent (HTCDQ000138-142). November 3, 1999 Supplementary Amendment in file history of U.S. Patent Application No. 08/619,682 (HTCDQ000792-797) at 2 (addition of claim 155). **means for displaying a plurality of selectable items:** 35 U.S.C. § 112 ¶ 6 term Function: displaying a plurality of selectable items. Structure: a display 20, a display screen 20, or a touch sensitive screen 90. '304 patent, 2:13-30 ("In accordance with an aspect of the invention, there is provided a data entry system comprising a hand held data entry unit, the hand held unit comprising … a display screen for displaying a user readable representation of the commands and/or stored information for the selected item….".) '304 patent, 6:54-7:10 ("The display screen 20	***means for displaying a plurality of selectable items*:** means plus function term **Function:** displaying a plurality of selectable items **Corresponding structure:** For example, see '304 patent 2:13-29 ("a display screen 20"); 6:51-7:9 ("a conventional two dimensional array of pixels which can be selectively activated in order to provide the display of a wide range of displayable items." "Any suitable display technology can be used which enables the displayed information to be read over a wide enough angular range such that it can be read by the user when the pen is held at an angle suitable for reading a bar code." '[A] 2 line by 16 character supertwist LCD display screen is employed in the preferred embodiment giving a viewing area of

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	preferably comprises a conventional two-dimensional array of pixels which can be selectively activated in order to provided the display of a wide range of displayable items. However, in a low cost version of the pen 10, the display may be configured only to display a predetermined range of characters and symbols, this reducing the complexity of the display and the controlling logic and thus reducing the cost as will be well understood by one skilled in the art. Any suitable display technology can be used which enables the displayed information to be read over a wide enough angular range such that it can be read by the user when the pen is held at an angle suitable for reading a bar code. In this way it is not necessary to change the orientation of the pen in order to read the display. In view of the low power consumption and advantageous readability characteristics, a 2 line by 16 character supertwist LCD display screen is employed in the preferred embodiment giving a viewing area of approximately 60 mm by 16 mm with a character size of approximately 3 mm by 5.5 mm. The display is preferably located toward the end of the pen 10 opposite to the reading head 14 with its longitudinal axis substantially parallel to the longitudinal axis of the pen 10."). '304 patent, 12:65-13:17 ("FIG. 8 illustrates another example of a pen 10 in accordance with the invention. This example is substantially the same as the pen 10 described with reference to FIGS. 1 and 3, apart from the addition of a touch sensitive screen 90 for the display 20. A touch screen interface 88 couples the touch sensitive screen to the bus 84 so that data sensed by the touch sensitive screen can be communicated to the processor 74. Although FIG. 8 shows a touch	approximately 60 mm by 16 mm with a character size of approximately 3 mm by 5.5 mm."); 12:65-13:21 ("a touch sensitive screen"; '[A]ny applicable touch sensitive screen technology can be used, either through the use of an addition to an existing conventional display screen, or the use of a display screen with integral touch sensitivity") and their equivalents *RIM v. DataQuill Ltd.*, 08/14/08 Order Construing Claim Terms of '304 and '591 Patents (No. 3:06-CV-0973-N, N.D. Tex. 2008) (the corresponding structure is "display 20," '591 Patent at col. 9, l. 13, "display screen 20," *id.* at col. 7, ll. 14-15, and functional equivalents thereof.); *DataQuill Ltd. v. Kyocera Wireless Corp.*, 10/25/05 Superseding Claim Interpretation Order (No. 01CV2302B, S.D. Cal. 2005) (The function of the above means is: displaying a plurality of selectable items. The structure to perform this function is: cols. 2:13-29; 6:51-7:9; 12:65-13:21, and their equivalents.); and their equivalents.

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	sensitive screen 90 (e.g., an overlay) separate from a conventional display screen, any applicable touch sensitive screen technology can be used, either through the use of an addition to an existing conventional display screen, or the use of a display screen with integral touch sensitivity. One or more touch sensitive areas can be defined on the touch sensitive screen area, in combination with the data displayed on the display screen, for the entry of commands and/or the selection of displayed items. In particular, the processor 74 can be arranged to display a menu of user selectable items and to be response to a location at which the screen is touched for input of a user selection of a menu item."). '304 patent, Figures 1A, 1B, and 8. The construction of this term is: "a display, a display screen, or a touch sensitive screen, and equivalents thereof."	
wherein said carrier carries a plurality of codes, each for a respective one of a plurality of ***natural language*** *and/or numeric characters and a plurality of commands for controlling operation of said data entry device or a merchandising system, each code being associated with a visual representation of the corresponding natural language or numeric character or command and/or of a graphical representation thereof,* *wherein said codes are bar and/or dot codes and/or other product identifications.*	See claim 80.	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
101. A data entry device for use in a data entry system, said data entry device comprising:		
*a **reading sensor** responsive to commands and/or sensed commands and data to produce input signals;*	See claim 62 above.	
*a controller coupled to said reading sensor to receive and **process said input signals**;*	See claim 62.	
*said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect **said data entry** to a wireless telecommunications network; and*	HTC does not opposed DataQuill's substitution of "said data entry device" for "said data entry" in this claim.	***said data entry [sic: said data entry device]***: The term "said data entry" is an apparent typographical error (here when published by the Patent Office), and the term should be "said data entry device".
a display coupled to said controller to display commands and/or information under control of said input signals processed by said controller;		
wherein said reading sensor, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network and said data entry device is integral with a cellular telephone, and		
***wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device**; and*	See claim 64, element 64(d).	***wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 101 (e.g., limitations/claim language directed to: "wherein said controller is responsive to a said command to cause downloading of information from a

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
		remote processing center as required for updating information previously stored in said data entry device"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
*comprising a **carrier** or a display for a plurality of data and/or command codes for association with **means for displaying a plurality of selectable items**,* *wherein said carrier carries a plurality of codes, each for a respective one of a plurality of **natural language** and/or numeric **characters** and a plurality of commands for controlling operation of said data entry device or a merchandising system, each code being associated with a visual representation of the corresponding natural language or numeric character or command and/or of a graphical representation thereof,* *wherein said codes are bar and/or dot codes and/or other product identifications.*	See claim 100 above. See claim 80.	
103. A merchandising system comprising		
a data entry device for use with a data entry system, said data entry device comprising:		
*a **reading sensor** responsive to commands and/or sensed commands and data to produce input signals;*	See claim 62 above.	
*a controller coupled to said **reading sensor** to receive and **process said input signals**;*	See claim 62 above.	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and		
a display coupled to said controller to display commands and/or information under control of said input signals processed by said controller;		
wherein said reading sensor, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network, and		
wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device*;*	See claim 64, element 64(d).	***wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 103 (e.g., limitations/claim language directed to: "wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
and additionally comprising as well as or instead of said display screen, and separate from said data entry device, means for displaying a selectable item with associated data sources for user selection of an item by operation of said data entry device*; and*	See claim 94 above.	
a remote processing center for processing user selections transmitted from said data entry device, wherein: *said selectable items are merchandisable items; and said remote processing center initiates processing of user orders of said selectable merchandisable items.*		
104. A merchandising system comprising		
a data entry device for use with a data entry system, said data entry device comprising:		
*a **reading sensor** responsive to commands and/or sensed commands and data to produce input signals;*	See claim 62 above.	
*a controller coupled to said reading sensor to receive and **process said input signals**;*	See claim 62.	
said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and		
a display coupled to said controller to display commands and/or information under control of said input signals processed by said controller;		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
wherein said reading sensor, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network and said data entry device is integral with a cellular telephone, and		
wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device*;*	See claim 64, element 64(d).	***wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 104 (e.g., limitations/claim language directed to: "wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
and additionally comprising as well as or instead of said display screen, and separate from said data entry device, means for displaying *a selectable item with associated data sources for user selection of an item by operation of said data entry device; and*	See claim 94 above.	
a remote processing center for processing user selections transmitted from said data entry device, wherein: *said selectable items are merchandisable items; and*		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
said remote processing center initiates processing of user orders of said selectable merchandisable items.		
107. A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:		
*a **reading sensor** for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;*	See claim 62 above.	
rewritable storage programmable with information relating to a plurality of items, user selectable by means of said reading sensor;		
*a controller connected to receive and **process said input signals** from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item; and*	See claim 62.	
a display screen for displaying a user readable representation of said commands and said stored information for said selected item;		
and said system further comprising: *a telecommunications interface for telephonic transmission of information relating to a selected item or items from said storage to a remote processing center via a telecommunications network and for telephonic reception of information relating to selectable items from said remote processing center to said storage via said telecommunications network,*		
said controller being responsive to a said command to cause downloading of information from said remote processing	See claim 81.	***said controller being responsive to a said command to cause downloading of information from said remote processing center as required for updating information***

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
center as required for updating information previously stored in said rewritable storage for one or more of said selectable items,		***previously stored in said rewritable storage for one or more of said selectable items:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 107 (e.g., limitations/claim language directed to: "said controller being responsive to a said command to cause downloading of information from said remote processing center as required for updating information previously stored in said rewritable storage for one or more of said selectable items"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
wherein said hand holdable unit includes a speaker and a microphone permitting said hand holdable unit to be used as a telephone handset;		
additionally comprising as well as or instead of said display screen, and separate from said hand holdable unit, means for displaying a selectable item with associated data sources for user selection of an item by operation of said hand holdable unit; *and*	***additionally comprising as well as or instead of said display screen, and separate from said hand holdable unit, means for displaying a selectable item with associated data sources for user selection of an item by operation of said hand holdable unit:*** This phrase includes the term "means for displaying a selectable item with associated data sources for user selection of an item by operation of said hand holdable unit", which is a 35 U.S.C. § 112 ¶ 6 term. Function: displaying a selectable item with associated data sources for user selection of an item by operation of said hand holdable unit. Structure: The structure described in the specification of the '304 patent for performing this function, and which comprises as well as or instead of said display screen and separate from the handholdable unit, is a	***additionally comprising as well as or instead of said display screen, and separate from said hand holdable unit:*** means what it says and no elaboration is needed ***means for displaying a selectable item with associated data sources for user selection of an item by operation of said hand holdable unit*:** means plus function term **Function:** displaying a selectable item with associated data sources for user selection of an item by operation of the data entry device **Corresponding structure:** For example, see '304 patent, Col. 17:59-67 (e.g., "In a merchandising system, where bar codes or other codes are associated with merchandisable items, this could be

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	television screen. '304 patent, 17:59-67 ("In a merchandising system, where bar codes or other codes are associated with merchandisable items, this could be achieved simply by means of a printed catalogue, or some other form of list, or as a result of codes applied to examples of the products in question, or as a result of codes displayed, for example, on a TV screen with images relating to those products. The only requirement is that the display of the codes are readable by the data entry system of the present invention."). '304 patent, 4:62-5:10 ("It enables the user to make shopping selections from a catalogue or from a series of options displayed on a television screen from the comfort of his or her home without the need to connect the device to a conventional telephone network. A hand held unit including a wireless telephone network interface such as a cellular network interface finds particular application where the user of the system is travelling from place to place and may need to perform data entry functions when they are far from a conventional wired telephone network socket."). The construction of this phrase is therefore: "a television screen separate from the handholdable unit, and equivalents thereof."	achieved simply by means of a printed catalogue, or some other form of list, or as a result of codes applied to examples of the products in question, or as a result of codes displayed, for example, on a TV screen with images relating to those products. The only requirement is that the display of the codes are readable by the data entry system of the present invention"); Col. 4:62 to Col. 5:10 (e.g., "It enables the user to make shopping selections from a catalogue or from a series of options displayed on a television screen from the comfort of his or her home without the need to connect the device to a conventional telephone network. A hand held unit including a wireless telephone network interface such as a cellular network interface finds particular application where the user of the system is travelling from place to place and may need to perform data entry functions when they are far from a conventional wired telephone network socket."); and their equivalents.
a remote processing center for processing user selections transmitted from said hand holdable unit.		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
109. A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:		
*a **reading sensor** for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;*	See claim 62 above.	
rewritable storage programmable with information relating to selectable items;		
*a controller connected to receive and **process said input signals** from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item;*	See claim 62.	
a display screen for displaying a user readable representation of said commands and said stored information for said selected item; and		
a telecommunications interface for telephonic transmission of information relating to a selected item or items from said storage to a remote processing center via a wireless telecommunications network and for telephonic reception of information relating to said selectable items from said remote processing center to said storage via said wireless telecommunications network, wherein said telecommunications interface is a telecommunications line interface integral to said hand holdable unit and directly connects said hand-holdable unit to said wireless telecommunications network;		
additionally comprising as well as or instead of said display screen, and separate from said hand holdable unit, means for displaying a selectable item with associated data sources for	See claim 107.	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
***user selection of an item by operation of said hand holdable unit**; and*		
a remote processing center for processing user selections transmitted from said hand holdable unit.		
113. A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:		
*a **reading sensor** for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;*	See claim 62 above.	
rewritable storage programmable with information relating to a plurality of items, user selectable by means of said reading sensor;		
*a controller connected to receive and **process said input signals** from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item; and*	See claim 62.	
a display screen for displaying a user readable representation of said commands and said stored information for said selected item; and said system further comprising:		
a telecommunications interface for telephonic transmission of information relating to a selected item or items from said storage to a remote processing center via a telecommunications network and for telephonic reception of information relating to selectable items from said remote processing center to said storage via said telecommunications network,		
said controller being responsive to a said	See claim 81.	***said controller being responsive to a said command to***

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
command to cause downloading of information from said remote processing center as required for updating information previously stored in said rewritable storage for one or more of said selectable items,		***cause downloading of information from said remote processing center as required for updating information previously stored in said rewritable storage for one or more of said selectable items:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 113 (e.g., limitations/claim language directed to: "said controller being responsive to a said command to cause downloading of information from said remote processing center as required for updating information previously stored in said rewritable storage for one or more of said selectable items"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
wherein said hand holdable unit includes a speaker and a microphone permitting said hand holdable unit to be used as a telephone handset;		
wherein programs in said hand holdable unit are updateable remotely from said processing center.	***wherein programs in said hand holdable unit are updateable remotely from said processing center:*** such that programs stored in the hand holdable unit can be made current by downloading only the changes to the most recently stored programs upon initiation by the remote processing center **Intrinsic Evidence:** *See* intrinsic evidence for the "updating" limitation in claim 62 above. Rebuttal Evidence: HTC may rely upon the information cited by DataQuill for this limitation.	***wherein programs in said hand holdable unit are updateable remotely from said processing center:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 81 (e.g., limitations/claim language directed to: "wherein programs in said hand holdable unit are updateable remotely from said processing center"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
115. A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:		
*a **reading sensor** for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;*	See claim 62 above.	
rewritable storage programmable with information relating to selectable items;		
*a controller connected to receive and **process said input signals** from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item;*	See claim 62.	
a display screen for displaying a user readable representation of said commands and said stored information for said selected item; and		
a telecommunications interface for telephonic transmission of information relating to a selected item or items from said storage to a remote processing center via a wireless telecommunications network and for telephonic reception of information relating to said selectable items from said remote processing center to said storage via said wireless telecommunications network, wherein said telecommunications interface is a telecommunications line interface integral to said hand holdable unit and directly connects said hand-holdable unit to said wireless telecommunications network;		
wherein programs in said hand holdable unit are updateable remotely from said processing center.	See claim 113.	***wherein programs in said hand holdable unit are updateable remotely from said processing center:***

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
		means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 115 (e.g., limitations/claim language directed to: "wherein programs in said hand holdable unit are updateable remotely from said processing center"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
8. A data entry device according to any of claims [1, 2] *82, 83, 85, 86, 88, 89, 91, 92, 94, 95, 97, 98, 100, 101, 103* or [3] *104*,		
wherein said data entry device **comprises one or two manually operable switches for scrolling said display in a first and/or second direction** for selectively displaying said commands and/or information, and	**comprises one or two manually operable switches for scrolling:** only one or only two devices that can be operated by hand to make or break an electrical connection for moving up or down through a sequential display of information **Intrinsic Evidence:** '304 patent, 3:32-35 ("Preferably, there are provided one or two manually operable switches for scrolling the display in a first and/or second direction for selectively displaying a plurality of data stored in the storage."). '304 patent, 3:38-45 ("By arranging that the reading sensor can be used for input of commands for controlling the hand held unit, the number of user input means (e.g., keys) can be kept to a minimum, reducing the possibility of inadvertent operation. Preferably, there are provided one or two manually operable switches for scrolling the display in a first and/or a second direction for selectively displaying a	**comprises one or two manually operable switches for scrolling said display in a first and/or second direction:** includes at least one or two devices for making, breaking or changing the connections in an electrical circuit, which can be operated by hand, for stepping through text or graphics displayed on a display **Intrinsic Evidence:** Col. 3:32-39 ("Preferably, there are provided one or two manually operable switches for scrolling the display…. In a preferred embodiment of the invention, the first and/or second switches are the only switches on the hand held unit."); 4:47-51 ("user input means (e.g. switches)"); 6:51-54 (exemplary embodiment: "On the upper surface of the pen shown in FIG. 1A … first and second microswitches 22 and 24, … are located."); 7:15-18 ("switches 22 and 24 are used to control basic operations of the data entry system and for control of the sequential display of stored information (scrolling of the display)"); 8:64-9:6 ("manual switch 22… serves as a

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	plurality of data stored in the storage. The scrolling of the display enables a large number of items to be accessed with a relatively compact display. In a preferred embodiment of the invention, the first and/or second switches are the only switches on the hand held unit. Preferably also, operation of the first and or second switches in predetermined operational states of the hand held unit causes predetermined functions other than scrolling functions to be performed (e.g., powering-up or powering-down of the hand held unit). By the provision of only two keys on the hand held unit, the possibility of accidentally operating an incorrect key can be reduced, and also the hand held unit can be kept particularly compact."). '304 patent, 6:51-52 ("On the upper surface of the pen shown in FIG. 1A a display screen 20, first and second microswitches 22 and 24, a first indicator light 25 and a second indicator light 287 are located."). '304 patent, Figures 1A and 1B (22 and 24). '304 patent, 7:15-18 ("The switches 22 and 24 are used to control basic operation of the data entry system sand for control of the sequential display of stored information (scrolling of the display) as will be explained later."); '304 patent, 8:64-9:6 ("The manual switch 22 is also connected directly to the processor. In use this switch serves as a 'scroll-down' key. The second manual switch 24, which in use serves as a 'scroll-up' key, is, however, connected to the processor via a power control module (PCM) 72. This is because the switch 24 also serves as a 'power-up- key for turning the pen on or powering it up after it has been powered	'scroll-down' key'" "second manual switch 24 … serves as a 'scroll-up' key…. [and] as a 'power-up' key"; "power control module 72 responds to operation of the key 24 in a powered down state to connect the battery 70 to the processor 74"); 11:3-12 ("In step S2, 'Up' key switch 24 is operated. The power control module senses operation of this key switch and powers up the processor 74"; "In step S3 the 'Down' and 'Up' scroll keys switches 22 and 24 are operated to scroll though a number of initial options pre-stored within the ROM 76 or the RAM 78 and presented on successive screens of data items on the display"); 11:27-28 ("scrolling the display using the 'Down' and 'Up' key switches 22 and 24"); 11:33, 51, 52-53, ("scroll key switches 22 and 24"); 11:63-65 ("in step S7 the pen is placed in the cradle on the base unit and the 'Down' key switch 22 is pressed to download the data from the pen"); 12:12-19 ("In an alternative embodiment of the invention, the scrolling function is only used for stepping though items which have already been entered into the pen"); 12:26-28 ("In a final step (not shown in FIG. 7), the pen is turned off by pressing the 'Down' and 'Up' scroll key switches simultaneously"); 14:44 (one of the "processing functions" of the ASIC is "accepting data from the switches 22 and 24"); 15:25-31 ("The use of the internal ROM 163 is advantageous where a pre-defined amount of the operations to be performed are fixed for all pen types, whilst the remainder of the operation is dependent on a particular model, to take account for example of language variations, number of switches used to enter data, etc."); 17:23-34 ("Also, although in the present examples two mechanical key switches are provided, in other embodiments one key switch only could be provided. Operating that key switch a predetermined number of times within a short

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
	down."). '304 patent, 17:23-35 ("Also, although in the present examples two mechanical key switches are provided, in other embodiments one key switch only could be provided. Operating that key switch a predetermined number of times within a short period could be used to emulate the provision of two key switches for scrolling and other functions. More key switches could also be provided in other embodiments. For example, a numerical keypad could be provided. However, in preferred embodiments of the invention, the number of keys should be kept as low as possible for any particular application. As in the embodiments described above, two key switches are preferred. The control sheet or data carrier effectively forms a keyboard extension for the pen.").	period could be used to emulate the provision of two key switches for scrolling and other functions. More key switches could also be provided in other embodiments. For example, a numerical keypad could be provided. However, in preferred embodiments of the invention, the number of keys should be kept as low as possible for any particular application. As in the embodiments described above, two key switches are preferred."). **Extrinsic Evidence:** MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY (10th Ed. 1993): **Comprise**: "1 : to include especially within a particular scope" MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY (10th Ed. 1993) **Switch**: "A device for making, breaking, or changing the connections in an electrical circuit." MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY (10th Ed. 1993) **Scroll**: "to move text or graphics up or down or across a display screen as if by unrolling a scroll" **Other Authority:** *RIM v. DataQuill Ltd.*, 08/14/08 Order Construing Claim Terms of '304 and '591 Patents (No. 3:06-CV-0973-N, N.D. Tex. 2008): "**Comprises one or two manually operable switches**" means having only one or two manually operable switches for scrolling the display in a first and/or second direction, although the device may have other switches for other functions (i.e., the term does not preclude the use of other switches for other functions, but does preclude the use of more than two switches to perform the recited function: scrolling said display in a first and/or second direction.).

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
		"**Manually operable switches**" are devices that can be operated by hand to make, break, or change connections in an electrical circuit. "**Scrolling said display**" means stepping through text or graphics displayed on a display. *DataQuill Ltd. v. Kyocera Wireless Corp.*, 10/25/05 Superseding Claim Interpretation Order (No. 01CV2302B, S.D. Cal. 2005) (**manually operable switches** *[devices for making, breaking, or changing the connections in an electrical circuit, which can be operated by hand]* for **scrolling said display** *[stepping through text or graphics displayed on a* *display]*); *DataQuill Ltd. v. Handspring, Inc.*, 2003 U.S. Dist. Lexis 2981 (N.D. Ill. 2003).
wherein operation of said first and/or second switches in predetermined operational states of said data entry device causes predetermined functions other than scrolling functions to be performed.		
9. A data entry device according to any of claims [1, 2] *85, 86, 94, 97, 98, 100, 101, 103* or [3] *104,*		
wherein said **dislay screen** comprises a touch sensitive screen forming a said reading sensor, said controller being arranged to be responsive to a location at which said screen is touched for user input.	Although DataQuill has not filed a certificate of correction of this term, HTC does not oppose DataQuill's proposed substitution of "display screen" for "dislay screen."	**dislay screen [sic: display screen]** :The term "dislay screen" is an apparent typographical error (here when published by the Patent Office), and the term should be "display screen".
12. A data entry device according to any of claims [1, 2] *80, 82, 83, 85, 86, 88, 89, 91, 92,*		

U.S. Patent 6,058,304

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
94, 95, 97, 98, 100, 101, 103 or [3] *104*,		
wherein a said reading sensor is a motion detector or a scanning device.		
13. A data entry device according to claim 12,		
wherein said scanning device is a **camera**.	See claim 73.	
20. A data entry device according to any of claims [1, 2] *80, 82, 83, 85, 86, 88, 89, 91, 92, 94, 95, 97, 98, 103* or [3] *104*, comprising		
a **carrier** or a display for a plurality of data and/or command codes for association with **means for displaying a plurality of selectable items**, wherein said carrier carries a plurality of codes, each for a respective one of a plurality of **natural language** and/or numeric **characters** and a plurality of commands for controlling operation of said data entry device or a merchandising system, each code being associated with a visual representation of the corresponding natural language or numeric character or command and/or of a graphical representation thereof.	See claim 100. See claim 80.	
22. A data entry device according to claim any of claims [1, 2] *80, 82, 83, 85, 86, 88, 89, 91, 92, 94, 95, 97, 98, 100, 101, 103* or [3] *104*		
wherein a key on said data entry device can be used for entry of a said command and/or data.		
23. A merchandising system comprising a data entry device according to any of claims [1,		

U.S. Patent 6,058,304

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
2] *80, 82, 83, 85, 86, 88, 89, 91, 92, 94, 95, 97, 98, 100* or [3] *101*, wherein:		
said device is programmable with information relating to user selectable merchandisable items; and		
said interface is coupleable to a remote processing center for initiating processing of user orders of said selectable merchandisable items.		
32. A data entry system according to [claim 26] *any of* claims *81, 107, 110, 113* or [claim 29] *116*,		
wherein said telecommunications interface is integral to said hand holdable unit and directly connects said hand-holdable unit to said telecommunications network.		
34. A data entry system according to any of claims [26, 27, 29] *81, 107, 108, 110, 111, 113, 114, 116* or [30] 117,		
wherein said telecommunications interface is a wireless telecommunications network interface.		
35. A data entry system according to any of claims [26, 27, 29, 30] *81, 107, 108, 110, 111, 113, 112, 114, 116, 117* or [31] *118*,		
wherein said telecommunications interface is a cellular telephone network interface.		
39. A data entry system according to any of claims [26, 27, 28, 29, 30] *78, 81, 107- 117* or [31] *118*		
wherein said hand holdable unit **comprises one**	See claim 8.	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
or two manually operable switches for scrolling said display in a first and/or second direction for selectively displaying information for respective selectable or selected items from said storage, and		
wherein operation of said first and/or second switches in predetermined operational states of said hand holdable unit causes predetermined functions other than scrolling functions to be performed.		
40. A data entry system according to any of claims [26, 27, 28, 29, 30] *78*, *107 – 117* or [31] *118*		
wherein said display screen comprises a touch sensitive screen forming a said reading sensor, said controller being arranged to be responsive to a location at which said screen is touched for user input.		
41. A data entry system according to any of claims [26, 27, 28, 29, 30] *107 - 117* or [31] *118*		
wherein a said reading sensor is for reading coded data, wherein said controller is arranged to access the stored information for selectable items to determine **natural language characters** or images corresponding to the coded data for display.	See claim 80.	
44. A data entry system according to any of claims [26, 27, 28, 29, 30] *78*, *81*, *107 - 117* or [31] *118*,		
wherein a said reading sensor is a motion detector or a scanning device.		

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
45. A data entry device according to claim 44, wherein		
said scanning device is a **camera**.	See claim 73.	
47. A data entry system according to any of claims [26, 27, 28, 29, 30] *78, 81, 107 - 117* or [31] *118*,		
wherein said controller is user programmable to cause captured data to be displayed on said display either in a first orientation suitable for reading displayed data when said hand holdable unit is held in a user's right hand, or in a second orientation suitable for reading displayed data when said hand holdable unit is held in a user's left hand, said controller being responsive to user programming operations including scanning of an appropriate command code using said reading sensor.		
52. A data entry system according to any of claims [26, 27, 28, 29, 30] *78, 81, 107 - 117* or [31] *118*, comprising		
a verification device in the form of a verification card or like **carrier** carrying a user verification code or codes.		
53. A data entry system according to any of claims [26, 27, 28, 29, 30] *78, 81, 107 - 109, 112 - 115 or* [31] *118*, comprising		
a **carrier** for a plurality of data and/or command codes for association with **means for displaying a plurality of selectable items**, wherein said carrier carries a plurality of codes, each for a respective one of a plurality of	See claim 100.	

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
natural language and/or numeric **characters** and a plurality of commands for controlling operation of said data entry or merchandising system, each code being associated with a visual representation of the corresponding natural language or numeric character or command and/or of a graphical representation thereof.	See claim 80.	
55. A data entry system according to claim 53, wherein		
said **carrier** comprises a display.	See claim 100.	
56. A data entry system according to any of claims [26, 27, 28, 29, 30] *78, 81, 107 - 117* or [31] *118,*		
wherein a key on said data entry unit can be used for entry of a said command and/or data.		
57. A merchandising system comprising a data entry system according to any of claims [26, 27, 28, 29, 30] *78, 81, 113, 114, 115, 116, 117* or [31] *118,* wherein:		
said selectable items are merchandisable items; and		
said remote processing center initiates processing of user orders of said selectable merchandisable items.		
59. A data entry system according to any of claims [27, 28, 30] *78, 108, 109, 111, 112, 114, 115, 117* or [31] *118,*		
wherein said controller is responsive to a said command to cause downloading of information from said remote processing center as required for updating information	See claim 81.	**wherein said controller is responsive to a said command to cause downloading of information from said remote processing center as required for updating information previously stored in said**

U.S. Patent 6,058,304

6,058,304 - Claims	HTC's Proposed Construction and Support	DataQuill's Proposed Construction and Support
previously stored in said rewritable storage for one or more of said selectable items.		**rewritable storage for one or more of said selectable items*:*** means what it says and no elaboration is needed **Support:** See '304 Patent and Reexam. Certificate, claim 59 (e.g., limitations/claim language directed to: "wherein said controller is responsive to a said command to cause downloading of information from said remote processing center as required for updating information previously stored in said rewritable storage for one or more of said selectable items"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
60. A data entry system according to any of claims [28, 29, 30] *78, 109, 110, 111, 112, 115, 116, 117* or [31] *118*		
wherein said hand holdable unit includes a speaker and/or microphone permitting said hand holdable unit to be used as a telephone handset.		

7,139,591 - Claims	**HTC's Proposed Construction**	**DataQuill's Proposed Construction**
32. A portable hand held computer, wherein said hand held computer is capable of use by a user as a data entry device and configured to be held in one hand for operable use as a portable wireless telephone for voice transmission and reception, said hand held computer comprising:		
memory, wherein said memory is operable for retaining information in response to input by the user, operable for retaining downloaded information, and **operable for retaining information for updating downloaded information previously retained in said memory**;	**memory … operable for retaining information for updating downloaded information previously retained in said memory:** the memory is operable to store information, the information being only information that has changed from information most recently stored in memory **Intrinsic Evidence:** '591 patent, 11:20-24 ("If the code read is not recognized, for example, the pen can be programmed automatically to call up the remote processing center to check on whether an update of the pen's storage is needed when the pen is replaced in the base unit."). '591 patent, 17:27-37 ("In the preferred embodiments described above, catalogue data is down-loaded into the pen from a remote processing system by telephone, over the telecommunications interface. However, as an alternative to down-loading, for example a complete catalogue, via the telephone line, other data entry means could be provided for the bulk of the data, the telephone line then only being used of updating the stored data. For example the pen and/or the base unit as appropriate could be provided with a socket or connector or reader for a memory device (such as a	**memory … operable for retaining information for updating downloaded information previously retained in said memory:** means what it says and no elaboration is needed. **Support:** See '591 Patent and Reexam. Certifcate, claim 32 (e.g., limitations/claim language directed to: "memory, wherein said memory is…operable for retaining information for updating downloaded information previously retained in said memory"), and claims 47 and 61 (same). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent above.

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	plug-in ROM, a smart card, etc.)."). '591 patent, 11:12-24 ("However, through the use of rewritable memory and control logic enabling the memory to be updated using data downloaded from the remote processing center, it is possible to keep the pen's memory up to date on a full list of merchandisable items, including product description, availability, price, etc. Then on reading a bar code relating to an item stored in memory the display on the pen can indicate a description of the item corresponding to the code read, its availability and price. If the code read is not recognized, for example, the pen can be programmed automatically to call up the remote processing center to check on whether an update of the pen's storage is needed when the pen is replaced in the base unit."). '591 patent, 5:64-67 ("As an example of a possible mode of operation, a command character (e.g., a bar code) can be read using the reading head (e.g., a bar code reading head) and this can be used to load down remote data from a remote station."). '304 patent (original), claims 1-3 ("to cause downloading of information form a remote processing center as required for updating information previously stored in said data entry device"). Office Action Dated May 28, 1998 in application 08/619,682 leading to the '304 patent (rejecting certain claims, and objecting to the remaining claims) (HTCDQ000621-633).	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	Response to Office Action in application 08/619,682 leading to the '304 patent dated December 5, 1998 (including amended claims to overcome rejections in May 28, 1998 Office Action) entitled "Supplemental Amendment under 37 C.F.R. 111") (HTCDQ000661-681). March 19, 1999 Office Action in application 08/619,682 leading to the '304 patent (rejecting claims) (HTCDQ000706-729). August 16, 1999 Response to Office Action/Amendment (HTCDQ000735-749) in application 08/619,682 leading to the '304 patent (in which Applicants amended application claims 86 [issued claim 1 of the original '304 patent] and 87 [issued claim 2 of the original '304 patent] to add the further limitation of application claim 91: "and wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device.") (emphasis in original). August 16, 1999 Amendment/Response to Office Action in application 08/619,682 (HTCDQ000735-749) leading to the '304 patent at 13 ("The comprehensive and thorough analysis presented by the Examiner in the outstanding Office Action are greatly appreciated and have been most helpful in addressing the issues raised in the Office Action. As a result, it is believed the amendments proposed herein will advance the application to allowance. … Claims 86 [issued claim 1 of the '304 patent], 87	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	[issued claim 2 of the '304 patent], and 88 have been amended to incorporate the subject matter of dependent claim 91, indicated to be allowable."). Preliminary Amendment in continuation application 09/548,565 ("the '565 patent application") dated April 13, 2000, (HTCDQ052800-51824), with amendments and traverse of rejection of claims in application 08/619,682 found in May 28, 1998 Office Action therein (in which Applicants for the '565 patent application filed a preliminary amendment (HTCDQ052800-51824) on April 13, 2000, canceling claims 1-30, and adding claims 31-77 "which correspond to claims 31-75 entered in the parent application 08/619,682 by amendment dated April 2, 1996; claims 76 and 77 are newly added claims. Consideration of these claims is requested, taking into account the following comments responding to grounds of rejection, particularly in respect of claims 31 and 53, included in the Office Action mailed May 28, 1998 in the parent application."). April 13, 2000 Preliminary Amendment/Response to Office Action in the '565 patent application (HTCDQ052800-51824), at 16-17 ("Moreover, the updating process is not directed to a specific 'selected' item, but rather the updating occurs for the ***selectable items*** for which updating is ***required*** (which could be none, some, or all of the selectable items) in order that the appropriate current information is stored by the rewritable storage in the handheld unit for all selectable items. This means that someone using the system does not have	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	to repeatedly revert to communication with the remote processing center to get updates for each item of information that has changed, as the input of a single update command to the hand held unit will call all information concerning ***selectable items*** that has ***changed*** to be updated. In addition, as the hand held unit only downloads information that has changed, the time taken to update the information in the rewritable storage is dramatically less than the time taken to update prior art devices where all the information stored in the device is replaced with a complete new set of information. This is particularly advantageous when the invention is embodied in a mobile phone, for example, as use of expensive airtime (for which the user typically is charged) may be reduced.") (emphasis in original). April 13, 2000 Preliminary Amendment/Response to Office Action in the '565 patent application (HTCDQ052800-51824), at 18 ("A further advantage of the present invention as set forth in claim 31, is that as **all** information relating to ***selectable items*** stored by the rewritable storage that has changed is updated when each update command is entered (irrespective of whether or not the item(s) to which the changed information relates has been **selected**), it is more likely that information for any particular ***selectable item*** will be current when that item is selected by the user based on the reading sensor sensing the appropriate data.") (emphasis in original). April 13, 2000 Preliminary Amendment/Response to Office Action in the '565 patent application (HTCDQ052800-51824),, at 20 ("In the Office	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	Action dated 28 May 1998 in the parent application, it is alleged that Claim 31 (identical to claim 31 presented by this amendment) lacked novelty under 35 USC 102 over US Patent No. 4,850,009 (to Zook et al), … It is apparent from the above discussion that the Zook reference makes absolutely no reference whatsoever to updating information previously stored in rewritable memory of the hand held unit for selectable items, and furthermore that no reference is made to a controller of the hand held unit 'being responsive to a said command to cause downloading of information from said remote processing center as required for updating information previously stored in said rewritable storage for selectable items' as set forth in claim 31."). April 13, 2000 Preliminary Amendment/Response to Office Action in the '565 patent application (HTCDQ052800-51824), at 24-25 ("Claim 76 is similar to claim 31 except that the controller is "*arranged to respond to commands including said sensed commands to control said hand held unit*" and is "*responsive to a download command to cause downloading of information from said remote processing center as required for updating information previously storage in said rewritable storage for selectable items.*" … In claim 76, the controller is also operable to response to a ***download* command** to cause downloading of information from a remote processing center to the hand held unit (via the telecommunications interface) ***as required*** for updating information previously stored in rewritable storage of the hand held unit for	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	selectable items. As recited in claim 77, the commands to which the controller is responsive may include user inputted commands. Thus, in a system according to claim 76, the sensing of data merely causes the controller "to select a said item" based on information stored by the rewritable storage of the hand held unit. The input of a ***download command*** is necessary to initiate updating, as indicated above. Otherwise, claims 76 and 77 are novel and patentable over Zook [sic] for generally similar reasons to those advanced with respect to claim 31. CONCLUSION: In view of the above comments, it is respectfully submitted that Claims 31, 53, and 76 are novel over the Zook reference which also fails tin any way to suggest the combination of features set forth in claim 31 or claim 53 or claim 76 which are therefore not rendered unpatentable over Zook. Claims 32 to 52, 54 to 75 and 77 add subject matter to the features of their respective parent claims 31, 53, and 76 and thus are further distinguished over Zook. Further, none of the other references relied upon by the Examiner disclose or suggest the particular combinations of features and functionality recited in any of claims 31 - 77. It is therefore believed that all of claims 31 – 77 are in condition for allowance and early notice to that effect will be appreciated.") (emphasis in original). December 16, 2003 Office Action in the '565 patent application (HTCDQ051965-51977) ("responsive to communication filed April 13, 2000, rejecting all pending claims 31-77).	

U.S. Patent 7,139,591

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	June 15, 2004 Amendment in the '565 application file history (HTCDQ52000-62005) at 3. June 15, 2004 Office Action in the '565 application file history (HTCDQ052006-52007), at 3 ("This application is abandoned in view of: Applicant's failure to file a proper reply to the Office letter mailed on 16 November 2003. A reply was received on 15 June 2004 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection."). See June 15, 2004 preliminary amendment in application 10.869,216 (leading to the '591 patent) and December 20, 2005 Amendment); see '591 Patent and Reexam. Certificate, claims 32, 47, and 61. It is noted that the above passages shall be referred hereinafter as "intrinsic evidence for the 'updating' limitation".	
a manually operable key switch for input of information;		
a display interface comprising a touch sensitive screen, wherein said display interface is operable to display user commands, operable to display information retained by said memory, and operable to display a list of user selectable items comprising merchandisable items, and to selectively display information relating to one or more of said items;		
an antenna;		
a rechargeable power supply;		
a wireless telecommunications interface operable directly to connect via said antenna to a wireless		

7,139,591 - Claims	**HTC's Proposed Construction**	**DataQuill's Proposed Construction**
telecommunications network and operable for transmission and reception of voice, data, and information;		
a controller coupled to said display interface, key switch, memory, rechargeable power supply, and wireless telecommunications interface;		
a speaker and a microphone permitting said hand held computer to be used as a telephone handset;		
wherein said display interface, antenna, key switch, rechargeable power supply, wireless telecommunications interface, memory, controller, speaker, and microphone comprise a self-contained assembly; and		
wherein said hand held computer is operable: **to download** from a remote processing center via said antenna and at least said wireless telecommunications network [information relating to one or more] *a list of user selectable items from a catalogue of* merchandisable items, *wherein a said list of items is* for retention in said memory *and wherein each of said user selectable items corresponds to and identifies a merchandisable item which is available for shopping and ordering to purchase by a user via operation of said hand held computer*;	**to download:** same proposed construction and support as for other occurrences of term, including in the '304 patent. See '304 Patent, claim 62 above.	**to download:** Same proposed construction and support as for other occurrences of term, including in '304 patent. See '304 Patent Claim 62.
to transmit data relating to one or more of said merchandisable items from said memory to said remote processing center via said antenna and at least said wireless telecommunications network, and **to download** information relating to one or more said merchandisable items from said remote processing center in response to a said transmission of data;	See above.	
to receive a request from said remote processing		

U.S. Patent 7,139,591

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
center to the user to input user identification information for utilization by said remote processing center; and		
as a portable wireless telephone for voice reception and transmission*;*		
wherein further, said hand held computer is operable for a user to make shopping selections from a said list to select one or more merchandisable items, and to initiate shopping orders to purchase one or more merchandisable items for a user via said remote processing center, wherein:		
(i) said one or more selected items is selected individually from a said list of user selectable items by user input via said touch sensitive screen sensing data, wherein		
(ii) said data sensed is coded data of a plurality of coded data, wherein said plurality of coded data is associated with said user selectable items and wherein each coded data of said plurality of coded data corresponds to an individual item of said user selectable items,		
(iii) said controller is arranged to respond to said data sensed by said touch sensitive screen to select a said individual item, and		
(iv) a shopping order is initiated via transmission of data corresponding to said one or more selected items from said memory to said remote processing center.		
33. A portable hand held computer according to claim 32		
wherein said hand held computer comprises a connector interface operable to connect said hand		

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
held computer to a separate personal computer for inputting and outputting data or information, and wherein said display interface, antenna, key switch, rechargeable power supply, wireless telecommunications interface, memory, controller, speaker, microphone, and connector interface comprise a self-contained assembly.		
35. A portable hand held computer according to claim 32		
wherein said hand held computer comprises **a** sensor operable to sense and capture data wherein said sensor is a **camera**, and wherein said display interface, antenna, key switch, rechargeable power supply, wireless telecommunications interface, memory, controller, speaker, microphone, and sensor comprise a self-contained assembly.	**camera:** a device that can capture an image, which could be an image of one or more characters, and recognize the contents of the image when used in combination with a processor which may execute image recognition software **Intrinsic Evidence:** '591 patent, 5:55-61 ("As an alternative to the use of bar codes, other data representations could be used. Indeed, if the data entry device is provided with a reading sensor in the form of a camera or other scanning sensor rather than a bar code reader, and the data entry device is provided with character or image recognition logic, graphical or alphanumeric data representations can be captured directly."). '591 patent, 17:52-58 ("Indeed, in other embodiments of the invention full character recognition (OCR) could be employed where the reading sensor is in the form of a camera or other scanning sensor incorporated in the reading head. With a camera and appropriate recognition logic, the pen could be used, for example, for fingerprint	**camera**: means what it says and no elaboration is needed **Support:** Same as for other instances of term. See cited support regarding '304 Patent Claim 73 above.

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	recognition, either as an aim in itself, or for user validation purposes."). November 27, 2006 Request for Reexamination of the '304 patent with exhibits A-AA (HTCDQ016178-17780) and January 25, 2007 Request for Reexamination of '304 patent (HTCDQ017787-17874) at exhibit J (Martinez [U.S. Patent No. 5,334,824, HTCDQ016316-324]) and S (Martinez and other references) [HTCDQ017753-177801]. April 13, 2007 Order Granting Reexamination Request (HTCDQ017968-18019) at 15-17 (discussing Martinez). April 1, 2008 Office Action in reexamination of '304 patent (HTCDQ033521-33556) at 21-26 (adopting exhibit S to reject pending claims). June 2, 2008 Response to Office Action (HTCDQ033626-33793) in reexamination of '304 patent, at 78 ("It is respectfully submitted that Martinez does not disclose the limitations of element 1.1 [a reading sensor responsive to *commands* and/or *sensed commands* and data to produce input signals"]. Element 1.1 requires that a 'reading sensor' must be 'responsive to *commands* and/or *sensed commands* … to produce input signals.' *Martinez* does not disclose a camera that is responsive to *commands* or to *sensed commands*. Instead, at the cited passage, *Martinez* discloses a video camera 'to view the user or a customer, and to generate a video signal.' (*Martinez* Col. 5:49-6:2.). For at least the above reasons, Martinez does not anticipate independent Claims 1-3 and their	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	dependent claims.") (emphasis in original). June 2, 2008 Response to Office Action at (HTCDQ033626-33793) in reexamination of '304 patent, at 86-87 ("In any event, it is apparent why Requester did not cite any support for its assertion. Martinez does not provide such disclosure. For instance, adopted Exhibit S, relies upon Martinez's camera to meet the 'reading sensor' requirement of prior Elements 26.1, 27,1, 28.1, 29.1 and 30.1. The *Martinez's* camera, however, is only used to send an image of a customer 'to a remote television screen' (Col. 6/ll. 50-52) as way to verify that person's identity. *Martinez*, of course, has no disclosure or teaching at all of using its camera to select form a plurality of items that have information programmed into storage, as required by elements 26.2 and 29.2 [rewritable storage programmable with information relating to a plurality of items, user selectable by means of said reading sensor]. A reading sensor of *Martinez* must meet this limitation in these Elements and *Martinez* camera certainly does not.") (emphasis in original). June 25, 2009 Office Action in reexamination of '304 patent (HTCDQ047787-47822) at 22 ("Patent owner argues on page 78 that Martinez fails to teach a reading sensor 'responsive' to commands and/or sensed commands. Instead, it is argued, Martinez teaches a convention video camera 'to view the user or a customer, and to generate a video signal.' The remaining independent claims rejected under Martinez, specifically claims 26-30, similarly recite a reading sensor responsive to sensed command. See pages 86-88 of the Amendment.	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	The patent owner's arguments above have been duly considered and are deemed persuasive. Although the claim language could broadly read upon Martinez (e.g., reading a video camera as the reading sensor responsive to commands), such an interpretation would not be reasonable consistent with the specification of the patent under reexamination. Thus, Martinez appears unsuitable as both an anticipatory reference and as a base reference in an obviousness inquiry. Thus, all rejections based upon Martinez are withdrawn and not repeated in the present Office action."). **Extrinsic Evidence:** U.S. Patent No. 5,334,824 (Martinez), HTCDQ016316-324, at Abstract, 5:44-6:2.	
38. A portable hand held computer according to claim 32		
wherein said hand held computer using a said wireless telecommunications interface also is operable **in response to entry of a user command to download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said merchandisable items**.	**in response to entry of a user command to download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said merchandisable items:** upon a user entering a command, only information that has changed from information most recently stored in the memory for one or more of the merchandisable items is transferred from the remote processing center for storage in memory **Intrinsic Evidence:** See intrinsic evidence for "updating" limitation in claim 32.	**in response to entry of a user command to download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said merchandisable items:** means what it says and no elaboration is needed. **Support:** '591 Patent and Reexam. Certifcate, claim 38 (e.g., limitations/claim language directed to: is "operable in response to entry of a user command to download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
		merchandisable items"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent above.
39. A portable hand held computer according to claim 32 wherein		
said user identification information comprises a personal identification number.		
40. A portable hand held computer according to claim 32 wherein		
said user identification information comprises a credit card number.		
41. A portable hand held computer according to claim 32 wherein		
said hand held computer is operable, subsequent to an initial input of user identification information after a connection to a said remote processing center, for subsequent use with said remote processing center which is dependent on the user identification information.		
42. A portable hand held computer according to claim 33 wherein		
said hand held computer using said antenna and at least said wireless communications network also is operable **in response to entry of a user command to download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said merchandisable items**.	See claim 38.	**in response to entry of a user command to download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said merchandisable items:** means what it says and no elaboration is needed. **Support:** '591 Patent and Reexam. Certifcate,

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
		claim 42 (e.g., limitations/claim language directed to: is "operable in response to entry of a user command to download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said merchandisable items"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent above.
44. A portable hand held computer according to claim 35		
wherein said hand held computer using said antenna and at least said wireless communications network also is operable **in response to entry of a user command to download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said merchandisable items**.	See claim 38.	**in response to entry of a user command to download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said merchandisable items:** means what it says and no elaboration is needed. **Support:** '591 Patent and Reexam. Certifcate, claim 44 (e.g., limitations/claim language directed to: is "operable in response to entry of a user command to download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said merchandisable items"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent above.
47. A portable hand held computer, wherein said		

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
hand held computer is capable of use by a user as a data entry device and configured to be held in one hand for operable use as a portable wireless telephone for voice transmission and reception, said hand held computer comprising:		
memory, wherein said memory is operable for retaining data or information in response to input by the user, operable for retaining downloaded information, and **operable for retaining information for updating downloaded information previously retained in said memory**;	See claim 32.	**memory ... operable for retaining information for updating downloaded information previously retained in said memory:** means what it says and no elaboration is needed. **Support:** '591 Patent and Reexam. Certifcate, claim 47 (e.g., limitations/claim language directed to: is "memory ... operable for retaining information for updating downloaded information previously retained in said memory"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent above.
a manually operable key switch for input of information;		
a display interface, wherein said display interface is operable to display user commands, operable to display information retained by said memory, and operable to display a list of user selectable items comprising merchandisable items, and to selectively display information relating to one or more of said items;		
an antenna;		
a rechargeable power supply;		
a **sensor** operable for sensing user commands or data;	**sensor:** a structure capable of detecting a stimulus, such as light, temperature, radiation level, or the like, and that transmits a resulting signal.	**a sensor:** means what it says, "a sensor" and no elaboration is needed. In alternative, a structure capable of detecting a

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	Intrinsic Evidence: '591 patent, 3:49-52 ("By arranging that the reading sensor can be used for the input of commands for controlling the hand held unit, the number of user input means (e.g., keys) can be kept to a minimum, reducing the possibility of inadvertent operation."). '591 patent, 4:10-19 ("The hand held data entry unit may comprise a reading head including a reading sensor for producing input signals, wherein the reading sensor traces movements of the reading head and wherein the controller is responsive to signals from the sensor representative of the movements for identifying characters traced by the reading head as captured date. In this manner data entry can be made in an advantageous manner by tracing out the characters of the data to be input or characters representing commands for controlling the operations of the data entry system."). '591 patent, 4:62-5:9 ("In a preferred embodiment of the invention, the hand held unit is configured as an elongate unit such that it may be held by a user in the manner of a pen or quill with the reading sensor being located in a reading head at or adjacent to one end of the hand held unit. … Preferably the reading sensor is located in a reading head which is releasably attached to the hand held unit. This enables alternative types of reading head to be connected to the hand held unit and/or for faulty reading heads to be replaced easily."). '591 patent, 5:55-67 ("As an alternative to the use	stimulus, such as light, temperature, radiation level, or the like, and that transmits a resulting signal. **Patent Specification:** See support cited in section for separate term for "reading sensor" in '304 Patent above. See also '591 Patent and Reexam. Certificate, claims, e.g., 1, 26, 29, 52, 62; 3, 35, 37, 62 ("a sensor operable to sense and capture data wherein said sensor is a camera"); 47, 61 ("a sensor operable for sensing user commands or data"); 22 ("A portable hand held computer according to claim 3 wherein said data captured by said sensor is one or more images."); 50 ("said sensor comprises a camera operable for sensing and capturing data"); 59 ("said sensor is comprised of said display interface and…"); 60 ("said sensor is comprised of said display interface comprising a touch sensitive screen for sensing input by the user"). **Extrinsic Evidence:** MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY (10th Ed. 1993): **Sensor**: "a device that responds to a physical stimulus (as heat, light, sound, pressure, magnetism, or a particular motion) and transmits a resulting impulse (as for measurement or operating a control)." **Other Authority:** *RIM v. DataQuill Ltd.*, 08/14/08 Order Construing Claim Terms of '304 and '591 Patents (No. 3:06-

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	of bar codes, other data representations could be used. Indeed, if the data entry device is provided with a reading sensor in the form or a camera or other scanning sensor rather than a bar code readier, and the data entry device is provided with character or image recognition logic, graphical or alphanumeric data representations can be captured directly. One application of an embodiment of the pen with a camera head as its sensor could be for fingerprint recognition. As an example of a possible mode of operation, a command character (e.g., a bar code) can be read using the reading head (e.g., a bar code reading head) and this can be used to load down remote data from a remote station."). '591 patent, 6:66-7:2 ("A reading head 14, for example a red or infra-red optical reading head (e.g., a laser diode) suitable for reading bar codes is located at one end of the pen."). '591 patent, 7:25-26 ("[T]he pen is held at an angle suitable for reading a bar code."); *see also* '591 patent, 10:21-11-24 (describing generally the process of using the pen for reading a barcode). '591 patent, 13:66-11: ("Although in the above embodiments, the pens 10 are intended for manual scanning of bar codes, it will be appreciated that they could also be used for reading other optically readable codes, such as binary dot codes, b providing of appropriate control software for programming the processor 74. Alternatively, in place of the sensor head 14 which is intended to be manually scanned, a self-scanning head could be provided. The invention is also applicable to the	CV-0973-N, N.D. Tex. 2008); *DataQuill Ltd. v. Kyocera Wireless Corp.*, 10/25/05 Superseding Claim Interpretation Order For United States Patent Number 6,058,304 (No. 01CV2302B, S.D. Cal. 2005); 10/25/05 Order Granting In Part Defendant's Motion For Partial Reconsideration of the Markman Ruling Construing The Claim Term "Reading Sensor" (No. 01CV2302B, S.D. Cal. 2005). *DataQuill Ltd. v. Handspring, Inc.*, 2003 U.S. Dist. Lexis 2981 (N.D. Ill. 2003). **As rebuttal to HTC's use of prosecution history, DataQuill may rely on the following parts of the prosecution record:** See support cited in section for separate term for "reading sensor" in '304 Patent above. **Other rebuttal evidence:** See support cited in section for separate term for "reading sensor" in '304 Patent above.

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	reading of other coded data sources such as, for example, magnetic strips, graphical representations and/or alphanumeric characters, by the provision of appropriate reading head and control logic."). '591 patent, 14:15-27 ("For example, the data entry pen could be provided with a reading head which is responsive to movement of the pen for tracing out desired codes and or commands. In particular, by the provision of a rolling ball in a holder in the reading head, of rotating sensing means in the manner of a personal computer mouse for tracing movements of the ball and suitable interpretation logic in software or special purpose hardware, for defining a series of vectors as the pen is moved over a surface and for performing pattern recognition on the resulting vector patterns to identify control and/or alphanumeric characters traced out by the pen head, it is possible directly to input information in the pen by 'writing' down those characters."). '591 patent, 18:15-21 ("Indeed, in other embodiments of the invention full character recognition (OCR) could be employed where the reading sensor is in the form of a camera or other scanning sensor incorporated in the reading head. With a camera and appropriate recognition logic, the pen could be used, for example, for fingerprint recognition, either as an aim in itself, or for user validation purposes."). '591 patent, Figures 1, 2, 3, 6, 7, 8, and 9. '591 patent, 13:28-32 ("FIG. 8 illustrates another	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	example of a pen 10 in accordance with the invention. This example is substantially the same as the pen 10 described with reference to FIGS. 1 and 3, apart from the addition of a touch sensitive screen 90 for the display 20."). '591 patent, Figure 8 (showing reading head 14 as well as touch screen 90 for display 20). '304 patent, 4:20-26 ("The controller in the hand held unit is preferably arranged to respond to appropriate commands input, for example via the reading sensor, to issue coded instructions via the telecommunications interface to the data processing center and to receive programming data (e.g., relating to information for selectable items) from the programming center for storage in the hand held unit."). '304 patent, 3:47-51; 3:56-61; 9:14-20; Figures 3, 4, 8; 9:65-10: 22 *See also* claims as originally filed September 27, 1994 in application PCT/GB94/02101, in file history of application 08/619,682 (which became the '304 patent) HTCDQ000138-142), at 30 (claim 13 ("wherein the display comprises a touch sensitive screen"); *see also* claims of April 2, 1996 preliminary amendment (HTCDQ000172-180) at application claims 40 and 61 respectively ("wherein said display comprises a touch sensitive screen"); May 28, 1998 Office Action (HTCDQ000621-633) at 7, rejecting claims 40 and 61. November 27, 1998 Response to Office Action (HTCDQ000639-660) in application 08/619,682 at	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	4 and 14, claims 95 and 129 respectively (amending claim to state "wherein said display screen comprises a touch sensitive screen forming a said reading sensor"). Supplemental Amendment, December 5, 1998 in Response to Office Action (HTCDQ000661-681) in application 08/619,682 at 4 and 14, discussing application claim 95 (issued claim 9) and application claim 131 (issued claim 40) respectively (amending claim to state "wherein said display screen comprises a touch sensitive screen forming a said reading sensor"). March 19, 1999 Office Action in application 08/619,682, HTCDQ000706-729 (objecting to claim 95 and rejecting claim 131 (*inter alia*). August 16, 1999 Amendment (HTCDQ000735-749) in application 08/619,682 in response to March 19, 1999 office action at 7 (application claim 131, issued as claim 40), and at 11 (adding application claims 150 and 151, issued claims 61 and 62 respectively, to include the limitations of "wherein the display screen comprises a touch sensitive screen forming said reading sensor."). '591 patent, 4:1-8 ("Preferably, the hand held unit comprises a sensor for reading coded date, the controller being arranged to access the stored information for selectable items to determine natural language characters or images corresponding to the coded data for display. The invention finds particular, but not exclusive application to the reading of bar codes and/or	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	binary dot codes, whereby the sensor is a bar code and/or dot code reader."). U.S. Patent No. 7,139,591C1 (in reexamination certificate) claim 62 (including limitations for "a reading sensor operable for sensing commands and/or data" and "a sensor operable to sense and capture data wherein said sensor is a camera"); claim 61 (including, instead of a reading sensor, a "sensor operable for sensing user commands or data," claim 47 ("sensor operable for sensing user commands or data"); claim 3 ("a sensor operable to sense and capture data wherein said sensor is a camera"); claim 1 ("a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data"). As rebuttal to DataQuill's citations to the prosecution history, HTC may rely on the following parts of the prosecution record: Prosecution record cited by DataQuill. **Extrinsic Evidence:** Merriam-Webster's Collegiate Dictionary (10th Ed. 1993): "Sensor: a device that responds to a physical stimulus (as heat, light, sound, pressure, magnetism, or a particular motion) and transmits a resulting impulse (as for measurement or operating a control)."	

U.S. Patent 7,139,591

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
a wireless telecommunications interface operable directly to connect via said antenna to a wireless telecommunications network and operable for transmission and reception of voice or data, wherein said wireless telecommunications interface is operable to transmit data captured by said sensor;		
a controller coupled to said display interface, key switch, memory, rechargeable power supply, sensor. and wireless telecommunications interface; and,		
a speaker and a microphone permitting said hand held computer to be used as a telephone handset;		
wherein said display interface, antenna, key switch, rechargeable power supply, wireless telecommunications interface, memory, controller, sensor, speaker, and microphone comprise a self-contained assembly; and		
wherein said hand held computer is operable: **to download** from a remote processing center via said antenna and at least said wireless telecommunications network [information relating to one or more] *a list of user selectable items from a catalogue of* merchandisable items, *wherein a said list of items is* for retention in said memory *and wherein each of said user selectable items corresponds to and identifies a merchandisable item which is available for shopping and ordering to purchase by a user via operation of said hand held computer,*	See claim 32.	
to transmit data relating to one or more of said merchandisable items from said memory to said remote processing center via said antenna and at least said wireless telecommunications network; and **to download** information relating to one or more of said merchandisable items from said	See claim 32.	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
remote processing center via said antenna and at least said wireless telecommunications network in response to a said transmission of data;		
to receive a request from said remote processing center to the user to input user identification information for utilization by said remote processing center; and		
as a portable wireless telephone for voice reception and transmission,		
wherein further, said hand held computer is operable for a user to make shopping selections from a said list to select one or more merchandisable items, and to initiate shopping orders to purchase one or more merchandisable items for a user via said remote processing center, wherein:		
(i) said one or more selected items is selected individually from a said list of user selectable items by user input via said sensor sensing data, wherein		
(ii) said data sensed is coded data of a plurality of coded data, wherein said plurality of coded data is associated with said user selectable items and wherein each coded data of said plurality of coded data corresponds to an individual item of said user selectable items,		
(iii) said controller is arranged to respond to said data sensed by said sensor to select a said individual item, and		
(iv) a shopping order is initiated via transmission of data corresponding to said one or more selected items from said memory to said remote processing center.		
48. A portable hand held computer according to		

7,139,591 - Claims	**HTC's Proposed Construction**	**DataQuill's Proposed Construction**
claim 47 wherein		
said hand held computer comprises a connector interface operable to connect said hand held computer to a separate personal computer for inputting and outputting data or information, and wherein said display interface, antenna, key switch, rechargeable power supply, wireless telecommunications interface, memory, controller, sensor, speaker, microphone, and connector interface comprise a self-contained assembly.		
54. A portable hand held computer according to claim 47 wherein		
said user identification information comprises a credit card number.		
55. A portable hand held computer according to claim 47 wherein		
said hand held computer is operable, subsequent to an initial input of user identification information after a connection to a said remote processing center, for subsequent use with said remote processing center which is dependent on the user identification information.		
56. A portable hand held computer according to claim 48 wherein		
said hand held computer using said antenna and at least said wireless communications network also is operable **in response to entry of a user command to download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said**	See claim 38.	**in response to entry of a user command to download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said merchandisable items:** means what it says and no elaboration is needed.

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
merchandisable items.		**Support:** '591 Patent and Reexam. Certifcate, claim 56 (e.g., limitations/claim language directed to: is "operable in response to entry of a user command to download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said merchandisable items"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
59. A portable hand held computer according to claim 47 wherein		
said sensor is comprised of said display interface and at least one or two manually operable keys on said hand held computer for sensing user commands or data via input caused by use of one or more of said keys, wherein one or more of said keys is operable to cause scrolling through items displayed via said display interface, one or more of said keys is operable to select one or more of said items, and one or more of said keys is operable to select a said command displayed via said display interface.		
60. A portable hand held computer according to claim 47		
wherein said sensor is comprised of said display interface comprising a touch sensitive screen for sensing input by the user.		
61. A portable hand held computer, wherein said hand held computer is capable of use by a user		

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
as a data entry device and configured to be held in one hand for operable use as a portable cellular telephone for voice transmission and reception, said hand held computer comprising:		
memory, wherein said memory is operable for retaining data or information in response to input by the user operable for retaining downloaded information, and **operable for retaining information for updating downloaded information previously retained in said memory**;	See claim 32.	**memory ... operable for retaining information for updating downloaded information previously retained in said memory:** means what it says and no elaboration is needed. **Support:** '591 Patent and Reexam. Certifcate, claim 61 (e.g., limitations/claim language directed to: is "memory ... operable for retaining information for updating downloaded information previously retained in said memory"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
a manually operable key switch for input of information;		
a display interface, wherein said display interface is operable to display user commands, operable to display information retained by said memory, and operable to display a list of user selectable items comprising merchandisable items, and to selectively display information relating to one or more of said items;		
an antenna;		
a rechargeable power supply;		
a sensor operable for sensing user commands or data;	See claim 47.	

U.S. Patent 7,139,591

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
a wireless telecommunications interface operable directly to connect via said antenna to a wireless telecommunications network and operable for transmission and reception of voice or data, wherein said wireless telecommunications interface is operable to transmit data captured by said sensor, and is a cellular telephone interface;		
a controller coupled to said display interface, key switch, memory, rechargeable power supply, sensor, and wireless telecommunications interface; and,		
a speaker and a microphone permitting said hand held computer to be used as a telephone handset;		
wherein said display interface, antenna, key switch, rechargeable power supply, wireless telecommunications interface, memory, controller, sensor, speaker, and microphone comprise a self-contained assembly; and		
wherein said hand held computer is operable: **to download** from a remote processing center via said antenna and at least said wireless telecommunications network [information relating to one or more] *a list of user selectable items from a catalogue of* merchandisable items, *wherein a said list of items is* for retention in said memory *and wherein each of said user selectable items corresponds to and identifies a merchandisable item which is available for shopping and ordering to purchase by a user via operation of said hand held computer,*	See claim 32.	
to transmit data relating to one or more of said merchandisable items from said memory to said	See claim 32.	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
remote processing center via said antenna and at least said wireless telecommunications network, and **to download** information relating to one or more of said merchandisable items from said remote processing center via said antenna and at least said wireless telecommunications network in response to a said transmission of data;		
to download via said antenna and at least said wireless telecommunications network in response to entry of a user command, information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said merchandisable items;	**to download … in response to entry of a user command, information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said merchandisable items:** to transmit from a remote processing center upon a user entering a command, only information that has changed from information most recently stored in the memory for one or more of the merchandisable items for storage in memory Intrinsic Evidence: See intrinsic evidence for "updating" limitation in claim 32.	**to download via said antenna and at least said wireless telecommunications network in response to entry of a user command, information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said merchandisable items:** means what it says and no elaboration is needed **Support:** See '591 Patent and Reexam. Certificate, claim 61 (e.g., limitations/claim language directed to: "to download via said antenna and at least said wireless telecommunications network in response to entry of a user command, information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said merchandisable items"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
to receive a request from said remote processing center to the user to input user identification information for utilization by said remote processing center; and		

7,139,591 - Claims	**HTC's Proposed Construction**	**DataQuill's Proposed Construction**
as a portable cellular telephone for voice reception and transmission;		
wherein further, said hand held computer is operable for a user to make shopping selections from a said list to select one or more merchandisable items, and to initiate shopping orders to purchase one or more merchandisable items for a user via said remote processing center, wherein:		
(i) *said one or more selected items is selected individually from a said list of user selectable items by user input via said sensor sensing data, wherein*		
(ii) said data sensed is coded data of a plurality of coded data wherein said plurality of coded data is associated with said user selectable items and wherein each coded data of said plurality of coded data corresponds to an individual item of said user selectable items.		
(iii) said controller is arranged to respond to said data sensed by said sensor to select a said individual item, and		
(iv) a shopping order is initiated via transmission of data corresponding to said one or more selected items from said memory to said remote processing center.		
62. A portable hand held computer operable as a data entry device and a portable wireless telephone by a user, comprising:		
memory, wherein said memory is operable for retaining data or information in response to input by the user, operable for retaining downloaded data or information, and **operable for retaining data or information for updating downloaded data or**	See claim 32.	**memory ... operable for retaining data or information for updating downloaded data or information previously retained in said memory:** means what it says and no elaboration is needed

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
information previously retained in said memory;		**Support:** See '591 Patent and Reexam. Certificate, claim 62 (e.g., limitations/claim language directed to: "memory, wherein said memory is … operable for retaining data or information for updating downloaded data or information previously retained in said memory"). In addition, see support also cited above in Claim 62 element (c) of '304 Patent.
a manually operable key switch for input of information;		
a display interface, wherein said display interface is operable to display user commands, operable to display information retained by said memory, and operable to display a list of user selectable items comprising merchandisable items, and to selectively display information relating to one [cc] or more of said items;		
an antenna;		
a rechargeable power supply;		
*a **reading sensor** operable for sensing commands and/or data;*	**reading sensor:** a structure capable of detecting a stimulus, visually, magnetically, or by locational movement of the structure across a surface, and that transmits a resulting signal for use by a controller to determine the data or commands represented by the stimulus. **Intrinsic Evidence:** '591 patent, 3:49-52 ("By arranging that the reading sensor can be used for the input of commands for controlling the hand held unit, the number of user input means (e.g., keys) can be kept to a minimum, reducing the possibility of	**reading sensor:** Same proposed construction as for term in '304 Patent. **Support:** See support also cited above in Claim 62 of '304 Patent.

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	inadvertent operation."). '591 patent, 4:10-19 ("The hand held data entry unit may comprise a reading head including a reading sensor for producing input signals, wherein the reading sensor traces movements of the reading head and wherein the controller is responsive to signals from the sensor representative of the movements for identifying characters traced by the reading head as captured date. In this manner data entry can be made in an advantageous manner by tracing out the characters of the data to be input or characters representing commands for controlling the operations of the data entry system."). '591 patent, 4:62-5:9 ("In a preferred embodiment of the invention, the hand held unit is configured as an elongate unit such that it may be held by a user in the manner of a pen or quill with the reading sensor being located in a reading head at or adjacent to one end of the hand held unit. … Preferably the reading sensor is located in a reading head which is releasably attached to the hand held unit. This enables alternative types of reading head to be connected to the hand held unit and/or for faulty reading heads to be replaced easily."). '591 patent, 5:55-67 ("As an alternative to the use of bar codes, other data representations could be used. Indeed, if the data entry device is provided with a reading sensor in the form or a camera or other scanning sensor rather than a bar code readier, and the data entry device is provided with character or image recognition logic, graphical or alphanumeric data representations can be captured	

U.S. Patent 7,139,591

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	directly. One application of an embodiment of the pen with a camera head as its sensor could be for fingerprint recognition. As an example of a possible mode of operation, a command character (e.g., a bar code) can be read using the reading head (e.g., a bar code reading head) and this can be used to load down remote data from a remote station."). '591 patent, 6:66-7:2 ("A reading head 14, for example a red or infra-red optical reading head (e.g., a laser diode) suitable for reading bar codes is located at one end of the pen."). '591 patent, 7:25-26 ("[T]he pen is held at an angle suitable for reading a bar code."); *see also* '591 patent, 10:21-11-24 (describing generally the process of using the pen for reading a barcode). '591 patent, 13:66-11: ("Although in the above embodiments, the pens 10 are intended for manual scanning of bar codes, it will be appreciated that they could also be used for reading other optically readable codes, such as binary dot codes, b providing of appropriate control software for programming the processor 74. Alternatively, in place of the sensor head 14 which is intended to be manually scanned, a self-scanning head could be provided. The invention is also applicable to the reading of other coded data sources such as, for example, magnetic strips, graphical representations and/or alphanumeric characters, by the provision of appropriate reading head and control logic."). '591 patent, 14:15-27 ("For example, the data entry pen could be provided with a reading head which is	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	responsive to movement of the pen for tracing out desired codes and or commands. In particular, by the provision of a rolling ball in a holder in the reading head, of rotating sensing means in the manner of a personal computer mouse for tracing movements of the ball and suitable interpretation logic in software or special purpose hardware, for defining a series of vectors as the pen is moved over a surface and for performing pattern recognition on the resulting vector patterns to identify control and/or alphanumeric characters traced out by the pen head, it is possible directly to input information in the pen by 'writing' down those characters."). '591 patent, 18:15-21 ("Indeed, in other embodiments of the invention full character recognition (OCR) could be employed where the reading sensor is in the form of a camera or other scanning sensor incorporated in the reading head. With a camera and appropriate recognition logic, the pen could be used, for example, for fingerprint recognition, either as an aim in itself, or for user validation purposes."). '591 patent, Figures 1, 2, 3, 6, 7, 8, and 9. '591 patent, 13:28-32 ("FIG. 8 illustrates another example of a pen 10 in accordance with the invention. This example is substantially the same as the pen 10 described with reference to FIGS. 1 and 3, apart from the addition of a touch sensitive screen 90 for the display 20."). '591 patent, Figure 8 (showing reading head 14 as	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	well as touch screen 90 for display 20). '304 patent, 4:20-26 ("The controller in the hand held unit is preferably arranged to respond to appropriate commands input, for example via the reading sensor, to issue coded instructions via the telecommunications interface to the data processing center and to receive programming data (e.g., relating to information for selectable items) from the programming center for storage in the hand held unit."). '304 patent, 3:47-51; 3:56-61; 9:14-20; Figures 3, 4, 8; 9:65-10: 22 *See also* claims as originally filed September 27, 1994 in application PCT/GB94/02101, in file history of application 08/619,682 (which became the '304 patent) HTCDQ000138-142), at 30 (claim 13 ("wherein the display comprises a touch sensitive screen"); *see also* claims of April 2, 1996 preliminary amendment (HTCDQ000172-180) at application claims 40 and 61 respectively ("wherein said display comprises a touch sensitive screen"); May 28, 1998 Office Action (HTCDQ000621-633) at 7, rejecting claims 40 and 61. November 27, 1998 Response to Office Action (HTCDQ000639-660) in application 08/619,682 at 4 and 14, claims 95 and 129 respectively (amending claim to state "wherein said display screen comprises a touch sensitive screen forming a said reading sensor"). Supplemental Amendment, December 5, 1998 in Response to Office Action (HTCDQ000661-681) in application 08/619,682 at 4 and 14, discussing	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	application claim 95 (issued claim 9) and application claim 131 (issued claim 40) respectively (amending claim to state "wherein said display screen comprises a touch sensitive screen forming a said reading sensor"). March 19, 1999 Office Action in application 08/619,682, HTCDQ000706-729 (objecting to claim 95 and rejecting claim 131 (*inter alia*). August 16, 1999 Amendment (HTCDQ000735-749) in application 08/619,682 in response to March 19, 1999 office action at 7 (application claim 131, issued as claim 40), and at 11 (adding application claims 150 and 151, issued claims 61 and 62 respectively, to include the limitations of "wherein the display screen comprises a touch sensitive screen forming said reading sensor."). '591 patent, 4:1-8 ("Preferably, the hand held unit comprises a sensor for reading coded date, the controller being arranged to access the stored information for selectable items to determine natural language characters or images corresponding to the coded data for display. The invention finds particular, but not exclusive application to the reading of bar codes and/or binary dot codes, whereby the sensor is a bar code and/or dot code reader."). U.S. Patent No. 7,139,591C1 (in reexamination certificate) claim 62 (including limitations for "a reading sensor operable for sensing commands and/or data" and "a sensor operable to sense and capture data wherein said sensor is a camera");	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	claim 61 (including, instead of a reading sensor, a "sensor operable for sensing user commands or data," claim 47 ("sensor operable for sensing user commands or data"); claim 3 ("a sensor operable to sense and capture data wherein said sensor is a camera"); claim 1 ("a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data"). November 27, 2006 Request for Reexamination of '304 patent with exhibits A-AA (HTCDQ0161178-17780) and January 25, 2007 Resubmission of Request for Reexamination of '304 patent (HTCDQ016178-17780) at exhibit J (Martinez [U.S. Patent No. 5,334,824, HTCDQ016316-32,]) and S (Martinez and other references) [HTCDQ017753-17780]. April 13, 2007 Order Granting Reexamination Request (HTCDQ017968-18019) at 15-17 (discussing Martinez). April 1, 2008 Office Action in reexamination of '304 patent (HTCDQ033521-33556) at 21-26 (adopting exhibit S to reject pending claims). June 2, 2008 Response to Office Action (HTCDQ033626-33793) in reexamination of '304 patent, at 78 ("It is respectfully submitted that Martinez does not disclose the limitations of element 1.1 [a reading sensor responsive to *commands* and/or *sensed commands* and data to produce input signals"]. Element 1.1 requires that a 'reading sensor' must be 'responsive to *commands*	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	and/or *sensed commands* … to produce input signals.' *Martinez* does not disclose a camera that is responsive to *commands* or to *sensed commands*. Instead, at the cited passage, *Martinez* discloses a video camera 'to view the user or a customer, and to generate a video signal.' (*Martinez* Col. 5:49-6:2.). For at least the above reasons, Martinez does not anticipate independent Claims 1-3 and their dependent claims.") (emphasis in original). June 2, 2008 Response to Office Action at (HTCDQ033626-33793) in reexamination of '304 patent, at 86-87 ("In any event, it is apparent why Requester did not cite any support for its assertion. Martinez does not provide such disclosure. For instance, adopted Exhibit S, relies upon Martinez's camera to meet the 'reading sensor' requirement of prior Elements 26.1, 27,1, 28.1, 29.1 and 30.1. The *Martinez's* camera, however, is only used to send an image of a customer 'to a remote television screen' (Col. 6/ll. 50-52) as way to verify that person's identity. *Martinez*, of course, has no disclosure or teaching at all of using its camera to select form a plurality of items that have information programmed into storage, as required by elements 26.2 and 29.2 [rewritable storage programmable with information relating to a plurality of items, user selectable by means of said reading sensor]. A reading sensor of *Martinez* must meet this limitation in these Elements and *Martinez* camera certainly does not.") (emphasis in original). June 25, 2009 Office Action in reexamination of '304 patent (HTCDQ033626-33793) at 22 ("Patent owner argues on page 78 that Martinez fails to	

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
	teach a reading sensor 'responsive' to commands and/or sensed commands. Instead, it is argued, Martinez teaches a convention video camera 'to view the user or a customer, and to generate a video signal.' The remaining independent claims rejected under Martinez, specifically claims 26-30, similarly recite a reading sensor responsive to sensed command. See pages 86-88 of the Amendment. The patent owner's arguments above have been duly considered and are deemed persuasive. Although the claim language could broadly read upon Martinez (e.g., reading a video camera as the reading sensor responsive to commands), such an interpretation would not be reasonable consistent with the specification of the patent under reexamination. Thus, Martinez appears unsuitable as both an anticipatory reference and as a base reference in an obviousness inquiry. Thus, all rejections based upon Martinez are withdrawn and not repeated in the present Office action."). As rebuttal to DataQuill's citations to the prosecution history, HTC may rely on the following parts of the prosecution record: Prosecution record cited by DataQuill. **Extrinsic Evidence:** Merriam-Webster's Collegiate Dictionary (10th Ed. 1993): "Sensor: a device that responds to a physical stimulus (as heat, light, sound, pressure, magnetism, or a particular motion) and transmits a resulting impulse (as for measurement or operating a control)." U.S. Patent No. 5,334,824 (Martinez), HTCDQ016316-324, at abstract, 5:44-6:2	

7,139,591 - Claims	**HTC's Proposed Construction**	**DataQuill's Proposed Construction**
a sensor operable to sense and capture data wherein said sensor is a **camera**;	See claim 35 above.	
a wireless telecommunications interface operable directly to connect via said antenna to a wireless telecommunications network and operable for transmission and reception of voice or data, wherein said wireless telecommunications interface is operable to transmit data captured by said sensor via said antenna;		
a controller coupled to said display interface, key switch, memory, rechargeable power supply, sensor, and wireless telecommunications interface;		
wherein said hand held computer is operable using said wireless telecommunications interface **to download** from a remote processing center [information relating to one or more of] said *user selectable* items *of said list* for retention in said memory, by utilizing at least said wireless telecommunications network, *and wherein each of said user selectable items is from a catalogue of merchandisable items and corresponds to and identifies a merchandisable item which is available for shopping and ordering to purchase by a user via operation of said hand held computer*,	See claim 32.	
said hand held computer is operable using said wireless telecommunications interface to transmit data or information relating to one or more of said *user selectable* items from said memory to said remote processing center and **to download** information relating to one or more of said items from said remote processing center in response to a said transmission,	See claim 32.	
said hand held computer using said wireless telecommunications interface also **is operable in**	**said hand held computer … is operable in response to entry of a user command to**	**said hand held computer using said wireless**

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
response to entry of a user command to download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said items, and	**download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said items:** upon a user entering a command, the portable computer initiates the transfer of only information that has changed from information most recently stored in the memory for one or more of the merchandisable items from the remote processing center for storage in memory **Intrinsic Evidence:** See intrinsic evidence for "updating" limitation in claim 32.	**telecommunications interface also is operable in response to entry of a user command to download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said items:** means what it says and no elaboration is needed. **Support:** See '591 Patent and Reexam. Certificate, claim 61 (e.g., limitations/claim language directed to: "said hand held computer using said wireless telecommunications interface also is operable in response to entry of a user command to download information from said remote processing center for retention in said memory to update information previously retained in said memory for one or more of said items"). In addition, see support also cited above for separate term in Claim 62 element (c) of '304 Patent.
said hand held computer is operable as a portable wireless telephone;		
wherein said display interface, antenna, key switch, rechargeable power supply, wireless telecommunications interface, memory, controller, and sensor comprise a self-contained assembly; and wherein said assembly includes a speaker and a microphone permitting said hand held computer to be used as a telephone handset;		
wherein further, said hand held computer is operable for a user to make shopping selections from a said list to select one or more merchandisable items, and		

U.S. Patent 7,139,591

7,139,591 - Claims	HTC's Proposed Construction	DataQuill's Proposed Construction
to initiate shopping orders to purchase one or more merchandisable items for a user via said remote processing center, wherein:		
(i) said one or more selected items is selected individually from a said list of user selectable items by user input via said reading sensor sensing data, wherein		
(ii) said data sensed is coded data of a plurality of coded data, wherein said plurality of coded data is associated with said user selectable items and wherein each coded data of said plurality of coded data corresponds to an individual item of said user selectable items,		
(iil) said controller is arranged to respond to said data sensed by said reading sensor to select a said individual item, and		
(iv) a shopping order is initiated via transmission of data corresponding to said one or more selected items from said memory to said remote processing center.		